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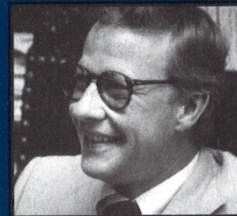
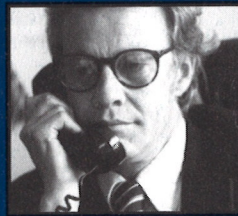
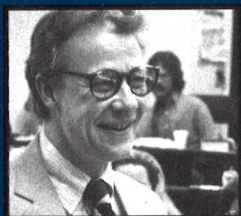
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MAINE LAW

THE ALUMNI NEWSLETTER OF THE UNIVERSITY OF MAINE SCHOOL OF LAW

DAVID GREGORY

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The Cumberland Legal Aid Clinic
— 30 Years of Service —

DAVID D. GREGORY '68

David Dolliver Gregory was born in Rockland, Maine on December 5, 1941. He died on December 9, 2000. He attended schools in Rockland and received his B.A. degree from Duke University in 1964. After graduation from Duke, David attended Princeton Theological Seminary for one year. In 1965, he enrolled at the University of Maine School of Law. Not surprisingly, David was a brilliant law student. He served as Editor-in-Chief of Volume 20 of the *Maine Law Review* and graduated from the Law School at the top of his class in 1968.

David began his legal career in 1968 as a trial and appellate attorney with the Civil Rights Division of the U.S. Justice Department in Washington, D.C. In 1971, he left the Justice Department to attend Harvard Law School from which he received his LL.M. degree in 1972.

In that year, David returned to the Law School as a member of the faculty, teaching a range of courses, including torts, criminal procedure, remedies, intellectual property, evidence, and admiralty, among others.

David also served as a Visiting Professor for the 1987-88 academic year at University College Galway, an institution in Ireland with which the Law School has a long-standing relationship. David was a teacher par excellence whose skills in the Socratic method are legendary among former students and colleagues. His Law School colleagues honored him last year by selecting David for the Faculty Senate Teaching Award.

David was counsel to the NAACP from 1972-1978, preparing briefs for submission to the U.S. Court of Appeals and the U.S. Supreme Court in major school-desegregation litigation.

In 1978, David was appointed by the U.S. District Court for the District of Maine as Special Master to oversee the implementation of the federal consent decree governing the rights of residents of the Pineland Center. He served as Special Master until 1981. From 1978 to 1983, David served as the first

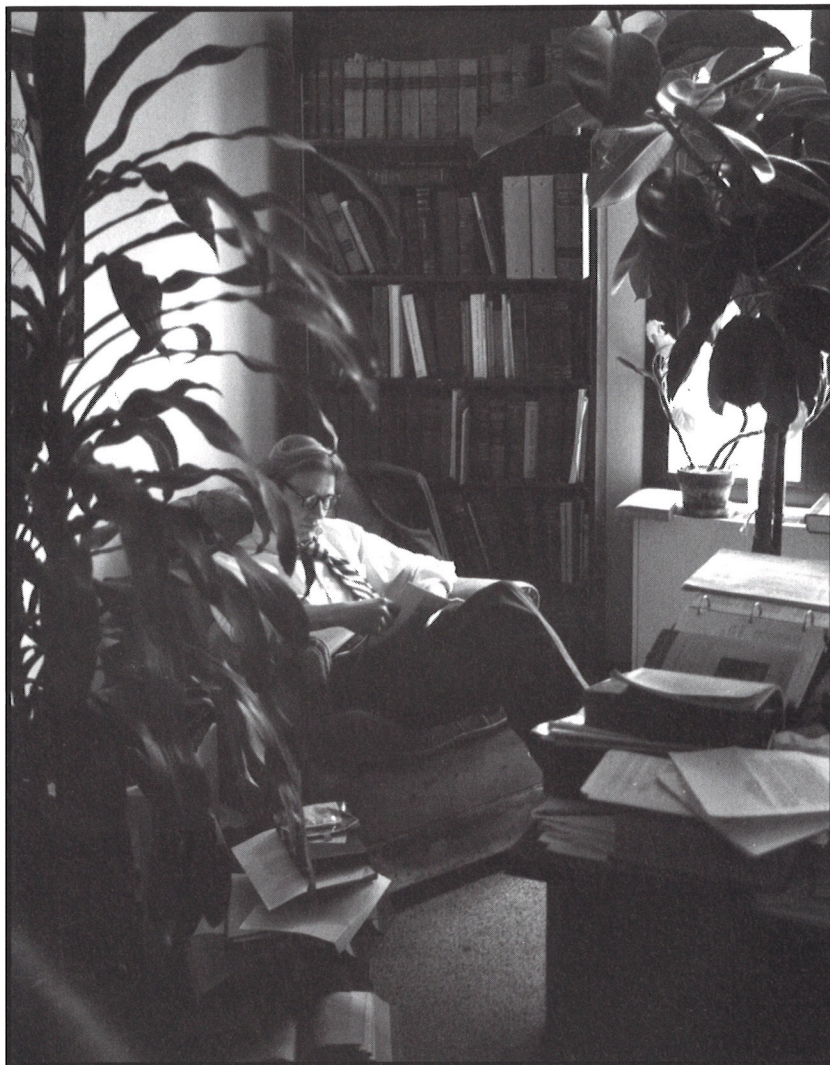
Executive Secretary to the Committee on Judicial Responsibility and Disability, the judicial ethics committee established by the Supreme Judicial Court of Maine to conduct investigations and disciplinary proceedings of state judges. He also served as Counsel to the York County District Attorney's Office, representing the State of Maine in criminal appeals to the Supreme Judicial Court since 1984.

David's scholarly publications include *Maine Tort Law*, which he co-authored with Professor Donald Zillman and Jack H. Simmons, and "Irish Conflict of Laws", which was published in *10 Dublin Law Journal* 198 (1988). At the time of his death, David was work-

ing on a major article on the history of contempt in the U.S. Supreme Court. David was an elected member of the American Law Institute, and served on the Board of Directors of Pine Tree Legal Assistance, and as Chairman of the Maine Commission on Mental Health from 1990-91.

He is survived by his mother, Louise Dolliver Gregory of Owl's Head; his wife, Jane Backlund Gregory, Class of 1993; his twin brother, Donald Gregory of Boston; his daughters, Carson Burnham of Canton, Massachusetts, and Erin Forbes of Portland; and his granddaughter, Hayley Burnham.

He will be sorely missed by all.



David Gregory Memorials

On January 17, six hundred colleagues, former students, family members and friends filled the First Parish Church in downtown Portland to celebrate the life of Professor David Gregory. Professor Gregory died December 9, 2000 of cancer.

In her welcoming remarks, Law School Dean Colleen A. Khoury said, "This is a terribly sad day for all of us gathered here. David was an important part of our lives – whether as our colleague, our teacher, our friend or family member – and his untimely death leaves a huge void."

She noted that during his four-year bout with cancer David rarely missed a class. "Despite the dire prognosis he received in October, he was fully intending to complete the fall semester."

A number of colleagues, friends and former students, including Dean Emeritus Edward Godfrey and graduates, Dr. Arthur Dingley, Class of 1979 and Louis Flori, Class of 1998, paid tribute to Professor Gregory during the service. At one point, everyone present joined in singing one of Professor Gregory's favorite hymns, *Amazing Grace*. The service concluded with James Boffetti, Class of 1993, reading Professor Gregory's Valedictory to Graduates. The Valedictory is reprinted in this edition of *Maine Law*.

The following are excerpts from the memorials of several speakers:

Professor Melvyn Zarr

"I knew David for over 27 years as a colleague... What drove David was a commitment to the enterprise and that enterprise was the teaching of law students. David was fond of a quotation of Justice Wendell Holmes 'I say the business of a law school is not sufficiently described when you merely say that it is to teach law, or to make lawyers. It is to teach law in the grand manner; and to make great lawyers.'... You will not find a volume on teaching law in the grand manner in the library. You just have to find your own way. We know that David found a way..."

He set high standards not only for his students but for himself. It mattered deeply that law students be taught and taught well. It mattered that they be given the tools to become great lawyers..."

He was one of a kind and he is irreplaceable."

Professor Gerald Petrucci

"David did not use words carelessly. He knew that words expressed ideas and he cared deeply about ideas...especially ideas central to the work of lawyers and judges...the work of justice..."

But most of all, David was a teacher. He was a teacher's teacher. I visited his office before class many times and I always learned something from our conversations. I missed that visit yesterday morning, the first day of classes. And, I will continue to miss those visits a lot..."

As his students, we can honor David's memory by emulating his example. We can care about justice for everyone... about values... about ideas. We can think clearly and speak plainly. We can work for justice carefully, thoughtfully, thoroughly and passionately. We can do what he has taught us to do..."



Commissioner of Human Services Kevin W. Concannon

(Commissioner Concannon spoke about Professor Gregory's role as Special Court Master in overseeing the closure of the Pineland Center and helping hundreds of Maine citizens with disabilities return to their local communities.)

"I have known Dave for 25 years and I am proud to call him my friend. In the late 1970s, Dave was selected by the State and by attorneys for the plaintiff to work directly for Judge Gignoux and the Federal Court in overseeing this litigation [the closure of the Pineland Center].

How very fortunate we were to have him as the Special Court Master.

He was tireless. He was conscientious. He was elegant. He was accessible. He was open. He was passionate. He was reliable. He was extraordinary. His legacy lives today in systematic changes that were made in Maine. It lives with the improvement in the lives of people with disabilities, their access to health care, their access to communities, the opportunities they enjoy, the freedoms they enjoy and the support they receive..."

Judge Frank M. Coffin

"Like all of us sharing this program, I am going to try to do my part to preserve in the ember of our memory, the beautiful spirit that is David Gregory...I had a chance recently, as a member of the Board of Visitors, to sit in on his class. The classroom was buzzing as the students came in and stowed their gear. Then David, as elegant as ever, sauntered forward. A hush descended on the class.

In carefully chosen words, he put the case to the students. No one would have known that he had been up since 5:30 that morning, fine-tuning that scenario. Students were called upon with David listening intently and respectfully. And then, as if he was taking his time to digest the responses, he would say, 'Let's change the facts a little bit' and he introduced a discordant note that made the prior answers utterly inappropriate...The students grapple and later he asked the clincher, 'Is it fair?'

This came from a former Princeton Theological student who decided to change careers, when he realized that, in the short-run, justice was better served by the law.... At times, the only sounds [from the class] were heavy breathing and the cacophony of mental wheels grinding. When comments were made that showed a light at the end of the tunnel, David would extend the length of the tunnel. And so the hour flew by on butterfly wings...For David, it was 28 years of exposing Maine students to legal analysis of the highest order laced with a passion for justice..."

DAVID GREGORY – Valedictory Address

The following are comments made by Professor Gregory to the Class of 2000 at their Commencement.

Every law school class has its own unique character. This class has lots of them. You are not like planets, disparate elements in separate orbits. What is special is the way you have cohered. It is wonderful to see that even those few who went away to other schools for their last semester or last year have returned to be with their number on this great day. Some members of this class have even fallen in love with each other. Go to law school; find love. Imagine that! To me, you are like stars - of more or less equal brilliance, forming interesting constellations. Hold to those bonds among yourselves.

A few years ago the graduating class asked me to deliver a benediction at graduation, thinking evidently that that meant a few reflective words at the end of the ceremony. But "benediction" means a blessing, something that you all who know me must agree I am in a poor position to bestow. Recognizing the honor in being asked, however, I accepted the invitation and changed the name to something I was qualified to give a valediction, which means a farewell.

I became intrigued with the distinction. I knew, of course, that the common element, diction, meant saying. I discovered that the separate element of valediction comes from *valere* meaning to be strong, to be well and to be worthy - which must have been a common form of giving good wishes when saying farewell among the Romans. Valediction thus shares a common root with valor, valiant, valid and value.

We who are your tutors are very proud of you. We believe that we have helped you to discover within yourselves valuable intellectual and practical talents. How you use them is up to you.



I do have a few thoughts for your consideration.

Look at reality with a cold, hard, steely-eyed gaze.

Lawyers get bad reputations by distorting reality. If you feel yourself losing sight of reality, fear not. I have the solution: ask your mother.

Preserve the language and speak English. There is a mischievous effort these days to corrupt the language. We should have learned from Orwell that corrupting the language is instrumental in corrupting society.

Speak plainly. Part of the lawyer's task is to communicate what is technical and complex to persons of ordinary intelligence and reasonable prudence. It is contrary to that responsibility to say that a defendant was charged with DVA and OUI, but for lack of PC, the charges were dropped to SA and DTE.

Recognize that, regardless of what you may have picked up in Law School, not everything is arguable. There really is such a thing as truth. Like justice, truth is something we must strive to attain. On a personal level that means that honesty is the best policy. I tell you that in the hope that you can

avoid learning that lesson the hard way.

Avoid single mindedness. No matter how good one value is, it is never the only one.

The word that gave us the name "valediction" is perfectly suited to signify our leave-taking from you:

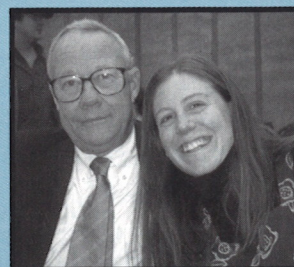
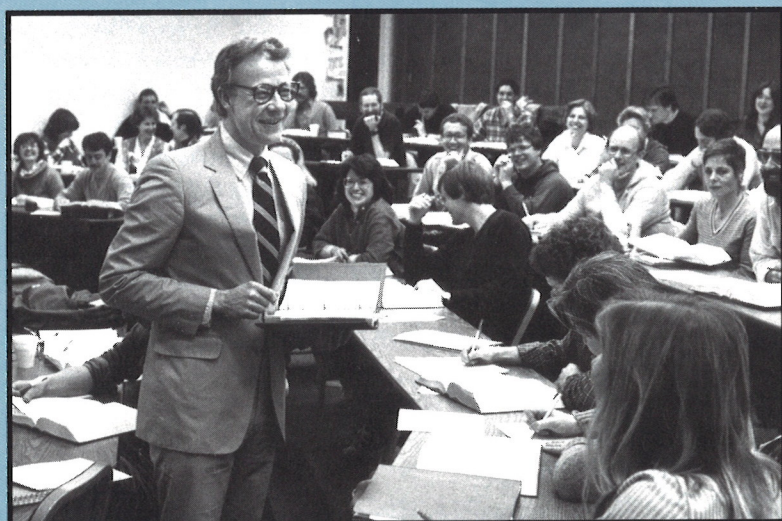
Be strong.

Be well.

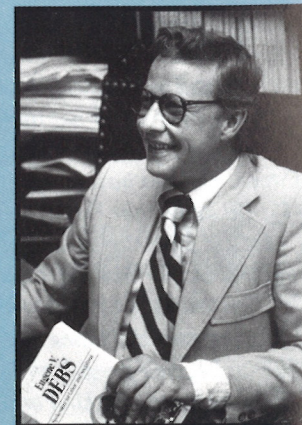
Be worthy.

However, the word that most commonly marks a leave-taking will also suffice. That word is Goodbye. Close behind that valediction echoes a benediction from which it came: 'God Be With Ye.'

Good friends: Goodbye.



Professor David Gregory in the classroom and at the MAPIL Auction with third year law student, Heather Seasonwein



As this column was being written, our dear friend and colleague, **Professor David Gregory**, passed away from cancer. David was one of the Law School's most distinguished graduates, and we are fortunate to have had him on our faculty for nearly three decades. David inspired generations of law students and he will be greatly missed by all of his students, colleagues and friends. This issue of Maine Law is dedicated to David -- teacher, scholar, colleague and friend -- and celebrates the profound impact he had on his students, his community, the law and Maine's justice system.

The academic year 2000-01 marks the 30th Anniversary of the founding of the Cumberland Legal Aid Clinic. Since 1970, the Clinic has been one of the jewels of the Law School's academic program. It has also been a vibrant projection of the Law School's strong and enduring commitment to public service in the State of Maine. Over the past 30 years, more than 1,100 Maine Law graduates have learned essential lawyering skills through the Clinic -- client interviewing and counseling, legal research and writing, witness preparation, negotiation, trial and appellate advocacy -- while providing crucial legal services and access to justice for thousands of economically disadvantaged Maine residents. Each year, the Clinic's staff and student attorneys provide direct legal services to more than 200 clients. Hundreds more are served with assistance that does not rise to the level of formal legal representation.

Even more important, perhaps, than the Clinic's role in the development of lawyering skills and its service to the community is the profound effect that the Clinic experience has on the personal and professional lives of our graduates. Rarely a week goes by when I do not hear from an alum, like those quoted in the articles that follow,

who tell me of the importance of his or her Clinic experience in leading them to a lifetime commitment to pro bono and community service. In many cases, enrollment in the Clinic has stimulated graduates to pursue careers in the public and nonprofit sectors.

Strangely perhaps for a profession that was initially grounded in an apprenticeship system of legal education, clinical legal education in law schools is a relatively new innovation. The first clinical programs were developed during the late 1960's to provide necessary professional skills training that was lacking in the traditional law school curriculum, and to encourage law schools to assist people in their communities in need of legal services. Since that time, clinical legal education has expanded and evolved into a method of teaching with a variety of goals. In addition to providing professional skills instruction, clinical courses provide continuous opportunities for teaching students about professional responsibility and instilling the values of the legal profession. Clinic students have a chance to explore various professional roles and to learn about the interpersonal side of lawyering. They have an opportunity to apply their analytical skills to real life situations. Students learn to be problem solvers, to work collaboratively, and to think strategically. Clinical legal education also provides a vehicle through which students learn how to learn from experience and to develop self-awareness and the capacity for constructive self-criticism -- to be what has been called a "A Reflective Practitioner." (Schon, *Educating the Reflective Practitioner*, 1987.)

So why, you might ask, with all these benefits, don't we require all students to participate in the Clinic? The simple answer is cost. As valuable as it is, a clinical program is a much more expensive course to offer than the traditional law school course. Faculty supervisors in the Clinic can effectively supervise only a handful of students and their caseloads each semester. A faculty-student ratio of 1:5 is the norm. This contrasts with the



traditional law school course, which may have a faculty-student ratio of 1:25 or more, and in first year courses, 1 professor to 85 students.

In the 1970's and 1980's, federal education funds were available to support clinical instruction at Maine Law and other schools. These funds disappeared in the 1990's. Nevertheless, Maine Law remained committed to maintaining the Clinic, albeit at a reduced level of funding and staffing. In recent years, funds from the Maine Civil Legal Services Fund and the Maine Bar Foundation have enabled us to expand the capacity of the Clinic once again to serve more of the needy citizens of Maine and to enable a larger number of students to receive the benefits of clinical legal education. For these funds and other contributions of our many Clinic alumni/ae and friends, we are most grateful.

The Cumberland Legal Aid Clinic has accomplished a great deal over the last thirty years. Its role in the education and training of law students and its impact on the State of Maine has been profound. As one of the major providers of indigent legal services in Maine, the Clinic has made access to the justice system a reality for thousands of Mainers. As alumni/ae, you should take great pride in what your Law School and the Clinic have achieved. With your support, we have made, and continue to make a difference.

Colleen A. Khoury
Dean

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Cumberland Legal Aid Clinic... 30 Years of Service

Legal Aid Clinic, Past and Present

When he founded the Cumberland Legal Aid Clinic thirty years ago, attorney Cushman Anthony remembers its atmosphere as considerably more colorful than it is today.

"We rented some very cheap space near the courthouse at the former Grace Baptist Mission on Market Street, where the Bayview Gallery is now," he says. "In those days, the Old Port was the sort of place where you wouldn't want to walk at night unaccompanied. There were a couple of very rowdy bars nearby, including the Crow's Nest, where Stanley the Transvestite did his routine on weekend nights. It was quite a scene. The clinic itself consisted of a storefront with a linoleum floor, makeshift walls of plywood siding, an old rolltop desk, and an old upright piano. I remember one client, who was waiting to see someone, asked to play the piano. It turns out he had been on a career path to become a concert pianist. I looked forward to every time that guy came in."

Since it first opened in 1970, 1,100 Maine Law student attorneys, nearly 40% of all graduates, have worked at the Cumberland Legal Aid Clinic where they were first exposed to the realities of practicing law.

Although law schools around the country were setting up clinics at the time, the Cumberland Legal Aid Clinic was unusual in several respects, notes Maine Law Professor Judy Potter, who served as its director from 1972 to 1987.

"This Clinic was unique because the Law School faculty decided that the Clinic teachers should be tenured faculty members," she says. "In addition, we were the only clinic in the country in which each clinical faculty member taught a regular law school class in addition to carrying out his or her clinical obligations. That's pretty unusual even now."

The Cumberland Legal Aid Clinic has established a tradition of taking small, individual cases as well as some large test cases. "We are very conscious that our students get more out of working with clients than just working on a piece of a big case," Professor Potter explains. "They get to work on an entire case. Because the majority of our cases are finalized within a year, students get to open some cases and close some."

"It's an incredible experience," says Heather Seasonwein 01, who worked at the Clinic during the summer of 2000. "I almost think it should be mandatory. In law school, you learn theory, but the Clinic teaches you how to apply the law, how to file a motion, interview a client, assess what you can do for them legally, argue motions, and do a lot of family law, including mediation and case management conferences. It allows you to practice as an attorney with the safeguard of a practitioner who will not allow you to go astray,

so you know you can't screw up too badly."

"I can't tell you how rewarding it is, and how terrifying to think that if you mess up, you're not helping this person," says Norma Murray '00. "But if you can get the judge to agree with you, you've all of a sudden changed this person's life."

Professor Scott Gould agrees, "Some of the cases you handle in the Clinic give you feedback that many people won't experience for years as a lawyer. Keeping someone in their home or reuniting a parent with children in a custody proceeding are tremendously rewarding to the student and of great service to the client."

Cases such as these fulfill the three major goals of the Clinic: to serve low-income people with quality legal service, to give students hands-on skills training, and to develop in students a sense of professional responsibility and social consciousness, informing them of the need to do public interest work throughout their careers. These goals, first articulated at the founding of the Clinic, remain unchanged today.

(Continued on Page Twenty One)



Legal Aid Clinic faculty, Scott Gould, Jennifer Wriggins, Judy Potter, Valerie Stanfill

Law Student Honored for Her Clinic Work

In ceremonies at the Blaine House, Maine's official Governor's Residence in Augusta, third-year law student Kelly Drake was honored recently by the Maine Coalition to End Domestic Violence. Kelly spent the summer as a student attorney working at the Cumberland Legal Aid Clinic providing legal assistance to victims of domestic violence. She worked closely with the Abused Women's Advocacy Project in central Maine, and they recommended her for the honor.

Adjunct Professor Valerie Stanfill '85 supervises the project and the student attorneys. She explained that Kelly was part of a Law School program that exposes students at the Cumberland Legal Aid Clinic to domestic violence legal issues. During the school year, all Clinic students participate in two court days at the District Court in Lewiston, representing plaintiffs in Protection from Abuse cases. The program is funded by a Federal Civil Justice Grant under the Violence Against Women Act.

While the Clinic has always hired four summer students, the grant allowed the Clinic to hire an additional student to

work exclusively with domestic violence cases. Kelly filled that position. Professor Stanfill noted that Kelly spent the entire summer with the project representing domestic violence victims in protection cases and other related family cases in courts in Lewiston and South Paris, Maine.

Kelly pointed out that she often had little time to prepare. "Often I would meet clients on the day of trial," she said. In Maine, domestic violence victims can obtain a temporary restraining order simply by filing a petition with the courts. However, to obtain a permanent restraining order, the court requires a trial. "Most of the people I helped did not realize that the process requires a trial with both parties present, where evidence is presented and where a ruling is made," Kelly observed.

On her court day, Kelly could be involved in six to eight cases. Often additional plaintiffs would arrive for their trials without benefit of counsel and seek Kelly's help. "Sometimes the situations

were complex," noted Kelly. "They might involve custody and personal property. Because they involved family problems, we sometimes had to focus on personal not legal issues."

"Domestic violence occurs among all types of families, not just the poor," she said. In about

80% of the cases with which she was involved, Kelly was able to negotiate consent agreements between the parties.

Professor Stanfill praised Kelly's skills in working with the clients. "Her work required both people skills and legal skills. That is what Kelly brought to the program."



Professor Stanfill, left, with Kelly Drake

Anatomy of a Clinic Case

Often more than one student attorney will assist a clinic client. The following is a recent case history:

When Ms. L. came to the Cumberland Legal Aid Clinic in the spring of 2000, she was desperate. Her ex-husband had made a motion that would have taken away nearly everything she had gotten in their divorce decree. With no lawyer, and no money to pay one, she was afraid she would have to agree to a settlement that would have left her nearly destitute. She had received her divorce in 1999 and was the primary caretaker for her children.

The divorce decree specified that Ms. L.'s ex-husband would continue to live in the marital residence, and would pay her \$800 per month in alimony until 2004, or until he died or sold the residence or bought out her interest in it. Instead, he made a motion to buy out her interest immediately. Had she agreed, she would have received \$20,000 and no alimony.

"That alimony is what I live on," she explains. "I'm really not able to go to work right now. The divorce had just gotten over with, and I finally knew I had \$800 a month to live on, and I could get started building a life for the kids and me. Then, Boom! He hit me with these papers, and my life was up in the air again."

Ms. L. had tried to explain her position in writing to a judge, but she did not have the skills to make a legal argument. Also, it was not clear that she would win her case.

At the Clinic, the case was given to student Norma Murray '00, under the supervision of Professor Jennifer Wriggins. "The challenge is to get to the essence of why the person feels so terribly wronged and to bring that out and appeal to the judge," Norma said.

After the Clinic agreed to take the case, Norma painstakingly analyzed the divorce decree. She then wrote a brief arguing that, under the divorce decree,

Ms. L. need not agree to an early buy-out. As the case continued, it was handled over the summer by student attorney Jessica Trimmer, and in the fall by 3L student Matthew McDonald.

Recently the court ruled in Ms. L.'s favor. She could refuse to accept the early buy-out and continue to receive the alimony that supported her and her two children.

"The Clinic was so good to me," says Ms. L. "I felt that I was a client there and they were there to help me. The divorce really brought me down. I felt like I lost through it all. But the Clinic helped me win something. I am so, so grateful to them."

"At the Clinic, you see the impact the law has on people, such as who gets to keep a child, who has to pay for doctors' bills, where a child can sleep. It's very personal," says Norma. "Working at the Clinic, you can really make a difference. The experience told me, 'Yes, this is exactly what I want to do.'"

Graduates Remember Clinic Experiences

Kimberly Houghton Berry '97

"When I was a student attorney at the Clinic in the summer of 1996, it felt good to represent a mother and help her win back the custody of her abused son at an emergency custody hearing. I remember what it was like to see her cry when she heard that her son was finally coming home. It was inspiring to see something good happen in our judicial system, and to know that I was a part of it."

Ms. Berry is currently a staff attorney with the National Wildlife Federation in Washington, DC.

Bill Norbert '95

"For me, the Clinic was an invaluable experience, a practical segue into the world of private practice. And, like private practice, it was fun, scary, challenging and rewarding all at once. What great fun we had! What great work we did! What an education!"

Mr. Norbert is currently Majority Whip in the Maine House of Representatives.

Jack Montgomery '77

My strongest memory of working at the clinic was sitting at the gray metal desk on my first day, completely at a loss of what to do if the phone rang. I remember thinking that I was like a young pilot, seated at the controls of a 747 jet liner for the first time, ready for take off but with only the faintest idea of how to fly it ... fearful of crashing it ... optimistic that at some point I would know the intricacies of its flight. ... Twenty-four years later I still have moments like that. The principal difference is that I am now reasonably confident that I can keep it in the air (with help from ever younger and ever smarter associates) even if I am not always sure where I am going to land.

Since 1990 Mr. Montgomery has practiced law at the Portland firm of Bernstein Shur, where he specializes in energy issues.

Cushman Anthony

"Some of my memories include:

Looking for a space near the courthouse, which could house a walk-in clinic. In those days, that was not really very difficult. I selected a vacant storefront on Market Street, right opposite Post Office Square, because it was cheap. (Now this is prime real estate.) It had previously been used to house the Grace Baptist Mission, but they were moving out until they could build a church. A condition of our lease was that they could leave their upright piano and the pastor's old roll-top desk in the space until they had a new place. We readily agreed.

Working from that handsome roll-top desk as my work space, in a backroom with no windows, but somehow I did not mind.

The client who came in very early on, asking us to represent him on a charge of desecration of the flag because he had painted his car in the colors of an American flag as a protest against our involvement in Vietnam. It became something of a local cause celebre, and I had visions of our whole new project getting into trouble for taking on political causes. Susan Calkins handled the case, with help from a lawyer who volunteered his time or was paid by some outside source, and the case was ultimately dismissed.

The client who was charged with joyriding in a motor vehicle. On further inquiry, the vehicle turned out to be a Greyhound bus.

The nicknames developed for the first summer students by the mispronunciation of their names by various clients. Peter Goranites became Corndike...

The client who was charged with some sort of petty crime, and who had received extensive training as a classical pianist. He spotted our upright piano in the corner, and sat down and serenaded us with some extraordinary playing for over an hour. He asked if he could drop in from time to time to play, and of course I said yes. We all got many hours of pleasure out of that particular client.

Having Dan Lilley work under me, helping supervise the law students during six months while he was getting his own practice going. Little did I know what was ahead for his career.

The client who was charged with having a concealed weapon in his car, a handgun under the front seat. He made it sound like a real witch-hunt by overly aggressive policemen. It turned out that the client was deeply involved with some of the most radical anti-establishment activity of those tumultuous years. Last I knew he was at large, and facing federal charges of armed bank robbery and accessory to murder in another state.

The meeting I had with Judy and Rod Potter because they both came to town looking for jobs, and looked me up since I was their old Michigan Law School classmate. We sat there scratching around for ideas, and then suddenly it dawned on me that because I was leaving after three years of running the program, there was a vacancy for which one of them might apply. And, thus evolved Judy's application for the position, and her work to this day.

The wonderful law students who came through the Clinic, and later went on to become prominent lawyers and judges in this state -- people like Tom Delahanty, Bill Brodrick, Bill Brownell, Paul Pierson, Rae Ann French, Ron Russell, and the aforementioned Susan Calkins and Peter Goranites (I may be leaving out some others as well), along with a host of well-respected trial lawyers around the state. I'd love to claim some credit for their distinguished careers, but alas, I suspect they excelled despite those early years, rather than because of them.

Dean Ed Godfrey. What a wonderful man, so willing to stand behind the fledgling program and its sometimes quixotic first director, myself. I cannot say enough good things about the support I got from him. Cumberland Legal Aid Clinic would not be in existence today without his vision and his steadfast guidance."

Mr. Anthony was the Clinic's first Director.

Justice Susan Calkins Reminisces on her Clinic Experience on Page 21

Visiting Godfrey Professor Kevin Boyle: Human Rights Legal Activist

Professor Kevin Boyle, the Edward S. Godfrey Visiting Professor this fall, brought to the Maine Law campus both his Irish wit and 30 years experience as a human rights legal activist and expert in international law. Professor Boyle was the Founding Director of Article 19, an organization dedicated to the freedom of expression and access to official information, which is located in London with partners in 30 countries. He is currently Professor of Law and Director of the Human Rights Centre at the University of Essex in Colchester, England, and he was previously Dean and Professor of Law at University College Galway in Ireland.

Professor Boyle describes himself as both an academic and an activist. As an activist he has worked in the international courts and with NGO organizations to increase protections against the abuse of power. "This includes the freedom from arbitrary arrest and protection of minorities as well as the rights to an education, a decent standard of living, and economic and social justice," he said.

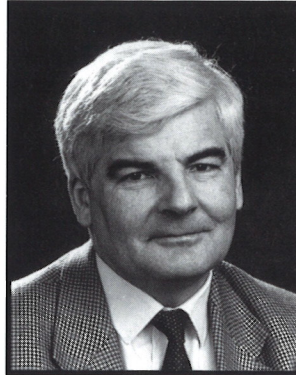
In his Godfrey Lecture at the Law School in November, Professor Boyle discussed the development of hate speech law and contrasted the different responses to hate speech in the

European nations and the United States. He noted that in the United States protecting free speech is of paramount importance; less importance is placed on the damage caused by bigotry and discrimination. However, in Europe the priorities are reversed and are substantially different. In many European countries, for example, it is an offense to deny that the Holocaust existed.

In addition to his academic pursuits, Professor Boyle has practiced regularly before the European Court of Human Rights in Strasbourg, France. Recently, he successfully argued a case against Turkey involving the rights of Kurdish refugees. "The impact of this type of case," he said, "is to focus world opinion on the oppression of the Turkish government against the Kurds." He currently is involved in another case, *Banovic v. 17 European Countries*, stemming from the air attacks by NATO forces on a TV station in Belgrade during the Kosovo

conflict in October of 1999.

Professor Boyle said that in most of his work there is a common theme. "The States must be accountable for their actions." Professor Boyle returned to England at the end of December.



Professor Kevin Boyle



Forging A National Oceans Policy

In October, U.S. Congressman Tom Allen, left, and Patten White, right, a Maine commercial fisherman and member of the Pew Oceans Commission, spoke at the Law School on the importance of developing a comprehensive national policy on marine resources. Maine Law Research Professor John Duff, center, organized the presentation. Congressman Allen has been active in legislative matters involving marine policy. The Pew Oceans Commission is a private effort, funded by the Pew Foundation, conducting a national dialogue on the policies needed to restore and protect marine resources in U.S. waters. The Commission will make a formal report to Congress in 2002.



NH Impeachment Trial

Two prominent Portland, Maine attorneys, who played key roles in the historic impeachment trial of New Hampshire Chief Justice David A. Brock, spoke to the law school community in late October. Seen with Godfrey Professor Donald Zillman, left, are Ralph Lancaster and Harold Pachios. Mr. Lancaster served as counsel to Justice Brock and Mr. Pachios served as counsel to the New Hampshire Senate. They spoke about the many procedural issues involved in conducting the trial, the first of its kind in New Hampshire. The trial ended with Justice Brock being acquitted of all four indictments.

Fall Semester – Distinguished Visiting Lecturers

During the fall semester a number of nationally known legal scholars and lawyers visited Maine Law. They included Nadine Strossen, Professor of Law at New York Law School and President of the American Civil Liberties Union; Alan B. Morrison, Cofounder and Director of the Public Citizen Litigation Group, who delivered the Frank M. Coffin Lecture on Law and Public Service; and Professor Richard A. Epstein of the University of Chicago Law School who was the 2000 Godfrey Scholar-in-Residence. Kevin Boyle, Professor of Law and Director of the Human Rights Centre at the University of Essex in Colchester, England joined the faculty for the semester as the Edward S. Godfrey Distinguished Visiting Professor. (See the article on page nine)

Professor Nadine Strossen

In September, Professor Strossen spoke to a packed Moot Courtroom on a number of subjects ranging from professional responsibilities of lawyers to the shortcomings in the U.S. criminal justice system. She said that it was important for lawyers to use their skills to help people and encouraged the students present to be generous with their time. Professor Strossen was especially concerned about the large number of African-American men who have been imprisoned. Most, she said, lacked proper legal representation and were not convicted of violent crimes. "They are often convicted," she said, "not just by a court of law, but by the court of public opinion."

She spent considerable time answering questions from the audience, covering such topics as the role of the ACLU, the voting rights of convicted felons, privacy rights and the separation of church and state.

Professor Strossen, graduated from Harvard Law School, *magna cum laude*, in 1975. She clerked for the Minnesota Supreme Court and practiced law in Minneapolis and New York before joining the faculty of New York Law School.



Professor Nadine Strossen meets with law students following her presentation

One of her books, *Speaking of Race, Speaking of Sex: Hate Speech, Civil Rights and Civil Liberties*, was named the Outstanding Book on Human Rights by the Gustavus Myers Center for the Study of Human Rights in North America. Professor Strossen is the first woman to head the American Civil Liberties Union, of which she was elected President in 1991.

Alan B. Morrison

Mr. Morrison delivered the Ninth Annual Frank M. Coffin Lecture, "Should the Client's Interest Always Come First?" on October 12th at the Portland Museum of Art Auditorium. In his Lecture, Mr. Morrison suggested that lawyers need to reconsider many principles of their profession. Excerpts from his presentation are included in this issue.

In addition to delivering his Lecture,

Mr. Morrison spent a day at the Law School, visiting classes and speaking with students. In a question and answer session with the student body, he spoke in depth about his role as a public interest lawyer and his long career. Mr.

Morrison, a 1965 graduate of the Harvard Law School, co-founded, with Ralph Nader in 1972, the Public Citizen Litigation Group. The organization is considered one of the

nation's preeminent public interest law firms.

Mr. Morrison has argued before the U.S. Supreme Court on numerous occasions and he shared with Maine Law students and faculty several stories about his experiences. Among the cases he has argued are *Goldfarb v. Virginia State Bar* (striking down lawyers' minimum fee schedules) and *Bowsher v. Synar* (an important separation of powers case). Mr. Morrison described his 28-year career in public interest law as "joyous" and said he had decided, early in his career, that he could accomplish more outside the government than within it.

When asked how he picked cases to represent, Mr. Morrison admitted that there was as much art as science to the process. He said that he looked for cases that involved major legal issues regarding

separation of powers, regulatory agencies or cases that involved freedom of information and open government issues.

On Friday evening, Mr. Morrison, an avid runner, participated in the Maine Law School's 22nd Road Race, running the four-mile course around Portland's Back Cove.

Professor Richard A. Epstein



Professor Richard Epstein, with Dean Khoury, fields a question after his lecture

Professor Epstein, the James Parker Hall Distinguished Service Professor of Law at the University of Chicago School of Law, is considered to be one of the foremost American legal scholars in the area of property rights and takings. A prolific writer and teacher, Professor Epstein is the author of more than 15 books and hundreds of scholarly articles. He was Editor of the *Journal of Legal Studies* from 1981 to 1991 and since 1991 has served as an editor of the *Journal of Law and Economics*.

As the 2000 Godfrey Scholar in Residence, Professor Epstein spoke to members of the Maine legal community, and taught two classes at the Law School, one a "bridge" class to first-year students, and one on Land Use and Growth Planning. In both the classroom and in his public lecture, "Private Property in an Intellectual Property World", Professor Epstein used a range of legal, historical and philosophical arguments to support his position about the importance of protecting property rights. He also spoke about the "increasingly fuzzy boundaries between intellectual property and physical property" asserting that all property needs to be recognized and protected.

In the "bridge" class, Professor Epstein provided law students with a dazzling presentation of property, torts and

constitutional law principles. In Professor Orlando Delogu's Land Use class, Professor Epstein and the class discussed the merits of *Palazzolo v. State of Rhode Island*, a case involving wetlands regulations that the U.S. Supreme Court has agreed to hear this session.

"Professor Epstein has a brilliant legal mind," said Professor Delogu, "and, even if you do not agree with his conclusions, he causes you to think carefully about your own position. He makes a strong case that much of the economic success of the United States comes from a tradition of respecting property rights."

Professor Epstein received his B.S. degree in philosophy from Columbia University in 1964. He also holds a B.A. degree law from Oxford University (1966) and he graduated *cum laude* from Yale Law School in 1968. Professor Epstein has been a member of the faculty at the University of Chicago since 1972.

Coffin Lecture – "Should the Client's Interest Always Come First?"

Alan B. Morrison delivered the Ninth Annual Frank M. Coffin Lecture on Law and Public Service on October 12, 2000. In his lecture, "Should the Client's Interest Always Come First?", he challenged those present to consider ways to make access to law more open, affordable and available.

Mr. Morrison, who is Director and Co-founder with Ralph Nader of the Public Citizen Litigation Group, said that one of the original objectives of that organization was to "look at the legal profession."

"We wanted to see if legal services were as affordable and available as they should be," he said, "So we set out a list of topics." These topics included minimum fee schedules, which the Public Citizen Litigation Group successfully challenged; advertising rules that prevented the dissemination of information to clients; residence requirements for bar admissions; restrictions on group legal services; rules against unauthorized practice of law, and secrecy in the bar disciplinary process. Mr. Morrison said that all these issues contained one element in

common.

"These rules were made by lawyers for the economic benefit of lawyers, or at least for those who made the rules."

During his presentation, Mr. Morrison also questioned the absolute nature of a number of commonly accepted ethical principles such

as the lawyer's obligation of zealous representation and client-lawyer confidentiality. "I want to examine situations where the lawyer's duty to the client may cause serious harm to a third party," he said.

Mr. Morrison then cited a number of both real and hypothetical examples. In one actual case, the lawyer representing a person charged with murder became

aware of the location of two victims' bodies. However, attorney-client privilege prevented him from revealing this information. Mr. Morrison noted that when the full facts of the case became known, public opinion was decidedly against the attorney.

In a hypothetical example, Mr. Morrison cited a situation in which a lawyer became aware that a client had poisoned a community's water supply with a non-lethal substance that could make many people ill. In many states, Mr. Morrison said, the lawyer could not reveal this information. He questioned whether the public interest was best served by confidentiality rules or by secrecy agreements arrived at in settlements of product liability cases.

Mr. Morrison went on to discuss a wide variety of other subjects ranging from the practice of objecting to class action settlements to restrictive admission rules of many state bars. He concluded his lecture by saying, "We need to find a better way to get non-lawyers into the process...we need to get the public involved."

"We need," Mr. Morrison said, "to have people who are not members of the bar sit on bar boards. We need to give them the right to vote and not simply to speak. We need input from consumers, businesses and individuals. These issues are too important to be left to lawyers, especially when lawyers are writing the rules that affect third parties."

The Frank M. Coffin Lecture on Law and Public Service honors Judge Coffin, Senior Circuit Judge of the United States Court of Appeals for the First Circuit. Lecturers, who have included members of the judiciary, attorneys, leaders in government and public causes and scholars in law, are invited to explore the intersection of the law and public service. Past lecturers include U.S. Supreme Court Justice Ruth Bader Ginsburg, former U.S. Senator Warren B. Rudman, former Secretary of Labor Robert Reich and Professor Arthur Schlesinger, Jr.

The complete text of Alan Morrison's Coffin Lecture will be printed in an upcoming issue of the *Maine Law Review*.



Left to right, Judge Frank M. Coffin, Coffin Lecturer Alan Morrison, and Dean Khoury prior to Mr. Morrison's lecture

Rita Heimes Logan Joins Maine Law as Technology Center Director

Rita Heimes Logan has been appointed Director of the Technology Law Center and Acting Director of the new Maine Patent Program. In addition, Ms. Logan is teaching a course this semester on Internet Law. She began work at the Law School in mid January.

Ms. Logan has practiced intellectual property law at Holland & Hart in Colorado and, most recently, at Verrill & Dana in Portland. She graduated with honors in 1993 from Drake University Law School where she was Notes

Editor of the *Drake Law Review*. She also holds a BA degree in journalism from the University of Iowa.

In announcing her appointment, Dean Colleen Khoury said, "Rita has extensive experience in trademark prosecution and licensing, copyright registration, intellectual property litigation and representation of clients doing business on the Internet. She has also worked closely with the technology and e-commerce community here in Maine."

Ms. Logan explained, "The Technology Law Center needs to develop a program that meets both the legal needs of practicing lawyers as well as the needs of law students." She said that she is working on a spring conference and will be developing workshops on patent and intellectual property law issues.

As Acting Director of the Maine Patent Program, she is currently in the process of hiring a patent lawyer and



Rita Heimes Logan

staff, as well as helping to shape the program. The program, funded by the Maine Legislature, is designed to help Maine entrepreneurs with the patent process.

In addition to her administrative responsibilities, Ms. Logan is enthusiastic about teaching a class on Internet Law. "We will be exploring how classic legal concepts in areas such as privacy and intellectual property are impacted by the growth of the Internet. We are evaluating them in light of the new technologies," she said.

"The challenge," she said, "is to balance the economic development mission of the two programs with the educational needs of students and lawyers. Maine needs a well-educated legal community if it is to be ready for growth in the e-commerce and high technology sectors of our state's economy."

The Technology Law Center was established in 1999 with seed money from the Maine Legislature. Its focus is on developing legal, business and entrepreneurial expertise among Maine professionals to support technological development, innovation and the expansion of electronic commerce in Maine.

The Center sponsors courses in intellectual property, technology and electronic commerce law, and is a resource for students interested in working with high-tech clients. Each summer the Center will host a conference on major issues in technology and intellectual property law. Last year's Conference, "Financing the Enterprises of the Internet," was a great success. This year's conference, entitled "Information: Privacy, Property and Policy" will be held June 7-8, 2001, at the DoubleTree Hotel in Portland.

Mary McCormack New Coordinator of Alumni Relations



Mary McCormack, left, talks with Martha Howell '74, President of the Alumni Association

Mary McCormack, a native of Mt. Desert Island, Maine, has joined the Law School staff as Coordinator of Alumni Relations and Development. Since she graduated from the University of Maine in 1995, Ms. McCormack has worked in several development and communications positions. "For the last three years, Mary has worked at the Harvard Business School and she brings to our office the experience of working with alumni of another professional school," noted John Gundersdorf, Director of Alumni Relations. "Because we are a very small office, there is a serious team effort between the staff and alumni to support the mission of the Law School. Mary will be part of this team approach."

In this position, Ms. McCormack will be working closely with the Alumni Association, helping to organize special events and reunions, to support the annual fund campaign and to produce the newsletter. She will also staff several committees of the Alumni Association such as the Alumni-Student Committee.

Ms. McCormack began work at the Law School at the end of January.

Save the Date!

The Annual Alumni Dinner, Honoring David Gregory, Class of '68
Saturday, March 31, 2001 at the Portland Club, Portland, Maine
for more information, call 207-780-4342 or e-mail: lawalumni@usm.maine.edu

Legal Writing Prize

Each year, two second-year law students are honored for the outstanding appellate briefs they wrote the previous spring as part of the Moot Court Program. This year, the two First-Year Legal Writing Prizes are awarded to Timothy J. Kimpton and Paulina McCarter Collins. Tim and Paulina earned this honor by writing briefs that were judged to be unusually clear, accurate, well researched, and most importantly, persuasive.

Tim, who hails from Waldoboro, wrote the Respondent's brief in *Village of Willowbrook v. Olech*, a highly charged case in which the United States Supreme Court was asked to decide whether a person who is not a member of a suspect class can state an equal protection claim if municipal officers single her out for retaliatory treatment. Tim came to law school after thirteen years in the United States Army and five years as a machinist. He graduated summa cum laude from Columbus State University, Columbus, Georgia, where he earned a Bachelor of Business Administration.

Paulina wrote the Respondent's brief in *Troxel v. Granville*, a highly publicized case involving grandparents' rights to child visitation. Paulina, who lives in Portland, graduated from the University of New Hampshire, where she majored in English and Political Science and participated in a legal writing and trial advocacy program. Paulina worked as a legislative intern and staff assistant to Senator William S. Cohen for eight years following college, and then as a policy analyst at MCI WorldCom in Washington, D.C. and as a grant writer for the Marshall Point Education Foundation in Rockland, Maine. For the past year, Paulina has been clerking in the United States Attorney's Office where her legal research and writing skills have proved to be invaluable.



Paulina Collins, left, and Timothy Kimpton with Professor Nancy Wanderer

First Annual Osher Scholarships

Dean Colleen Khoury has announced that two first year students are the Law School's first Osher Scholars, the result of a \$250,000 gift from the Barney and Barbro Osher Foundation. Joy Britting, a native of Paris, Maine and John Bean from Farmington, Maine, are the first recipients of these scholarships. Eventually, up to four Maine Law students annually will receive Osher Scholarships.

The endowment gift from the Oshers is the largest in the School's history and, according to Dean Khoury, it meets a critical need of Maine Law. "Because tuition and fees for in-state students now exceeds \$10,000, one of the highest priorities for the Law School is to increase our scholarship assistance programs," she said. "This very generous gift helps to fill the gap." The Oshers, who live in California and summer in Maine, have set up other similar scholarships at other colleges and universities in California and in Maine, Barney Osher's native state.

Dean Khoury explained that, until this year, the Law School has been able to provide very little financial assistance to first year law students. "With the Osher's gift

and with growing support from the Alumni Association, we are now able to offer grant assistance to several incoming students," she said.

"We are very pleased that Joy and John are able to benefit from the Osher's philanthropy," said Dean Khoury. "They reflect the talent and diversity in our student body."

Joy Britting graduated from Tufts University with honors last spring and is pursuing the more traditional path for law

students. She explained while she had the option to attend several law schools, she chose Maine Law because of the school's small size, the individual attention given to students by the faculty and the opportunities for clerkships.

John Bean, who graduated from Yale College in 1978, has worked in education and with social service organizations in Maine. Shortly before entering law school, he received his Master's Degree in Public Policy from the Muskie School of Public Service at the University of Southern Maine.



Osher Scholarship winners, John Bean and Joy Britting

Best Educational Web Site

interface Tech News, which reports on high tech news in Northern New England, has recognized the Maine Law web site at the Best Educational Web Site in their recent awards. The School's web site address is:

<http://www.law.usm.maine.edu>



Libra Professor Martin A. Rogoff's review essay "European Integration: Past Present and Future" was published in the November, 2000 issue of the *Vanderbilt Journal of Transnational Law*.



Professor Lois Lupica

Professor Lois R. Lupica has been elected to the Board of Directors of the American Board of Certification (ABC), a non-profit organization dedicated to serving the public and improving the quality of the bankruptcy and creditors' rights law bars. ABC has certified nearly 1,000 attorneys in consumer and business bankruptcy and creditor's rights law nationwide. Professor Lupica will serve as one of the ABC faculty, responsible for the drafting and grading of questions for certification examinations.

Professor Lupica was also selected to serve on the Bankruptcy Judge Merit Selection Panel, co-chaired by First Circuit Court of Appeals Judges Cyr and Lipez. The members of the Merit Selection Panel were charged with the responsibility of interviewing and recommending candidates for the Bankruptcy Judge vacancy for the District of Maine at Bangor, to fill the vacancy created by the retirement of Judge Goodman and Judge Haines' anticipated relocation to Portland. Based in part upon the recommendations of the Merit Selection Panel, the Court of Appeals and the Circuit Council for the First Circuit appointed Louis Kornreich of Bangor to fill the vacancy.

Professor Lupica, along with Professor Thomas Ward, were among 94 law professor signatories in a letter sent to the United States Senate, addressing the faults in the pending bankruptcy legislation. Although the legislation passed Congress it received a "pocket veto" from President Clinton in December.

Recently, Professor Lupica published two articles. "Transition Losses in the Electric Power Market: A Challenge to the Premises Underlying the Arguments for Compensation" was published this summer in the *Rutgers Law Review*. In this article, she examines whether the electric utility industry, currently in the midst of deregulation, ought to sustain the resulting transition losses. Due to the significant modification of legal rules affecting the electric power market and changes in regulatory policy, the utilities currently have expenditures and expectations that are unrecoverable in a competitive market. In recent years, the momentum has moved in the direction of compensating utilities and their investors for these losses. Professor Lupica challenges the arguments for transition loss recovery and ultimately concludes that the doctrinal premises in support of transition loss recovery are flawed.

The second article, "Circumvention of the Bankruptcy Process: The Statutory Institutionalization of Securitization" was recently published in Volume 33 of *Connecticut Law Review*. In this Article, Professor Lupica argues that the recent changes to Article 9 of the U.C.C. and the proposed revisions to the Bankruptcy Code designed to facilitate securitization transactions will have significant distributive effects. Professor Lupica offers a detailed analysis of the statutory revisions and raises the normative question of whether securitization ought to be facilitated to the degree contemplated by the drafters of these statutes.

Professor Michael Lang returns to Maine Law after spending the fall semester at the University of Miami School of Law where he taught courses in corporate taxation. Aspen Publications has contracted to publish a casebook co-authored by Professor Lang entitled *Federal Taxation of Business Enterprises*. Aspen also contracted to publish two additional books, *Federal Taxation of Partnerships* and *Federal Taxation of Corporations*. Professor Lang has been working on these books for several years

with George Yin of the University of Virginia Law School and Karen Burke of the University of Minnesota School of Law. His review of *Taxing Ourselves: A Citizen's Guide to the Great Debate over Tax Reform* by Joel Slemrod and John Bakija was published this fall on the JURIST: Books-On-Law website: <http://jurist.law.pitt.edu>.

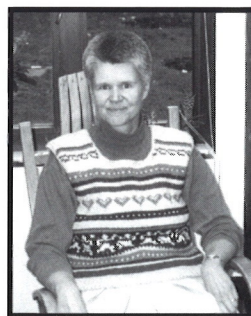
This fall, Professor Lang served as moderator and a speaker in a program of the ABA Tax Section, Standards of Tax Practice Committee on Ethics 2000.

Godfrey Professor Donald Zillman reports that he is in the final editing stages of a co-authored text, *National Legal Responses to the Global Warming Conventions* for Kluwer Publishers. This fall, along with Professor Wriggins, he spoke on the Second Amendment at a conference entitled, "Working Together to Reduce Gun Violence" held in Portland. In November, Professor Zillman presented two lectures at Oxford University in the United Kingdom. He gave a lecture on the "American Legal Response to Global Warming" to the geography faculty and spoke on "Constitutional and Political Aspects of the Presidential Elections" at St. Peter's College. Professor Zillman recently served as Independent Counsel to the Maine House of Representatives in a contested legislative contest. He also was a frequent commentator on Portland TV stations regarding U.S. Supreme Court litigation over the presidential election.

This fall, **Professor Nancy Wanderer**

held a training session for all the Maine Supreme and Superior Court law clerks on "How to Write Better Opinions". In January, she conducted three professional writing seminars for the Finance Authority of Maine. Professor Wanderer has also been appointed to the Self-study Group of DACOWITS, the Defense Advisory Committee of Women in the

Services. This sub-committee has been charged with reviewing the mission and evaluating the operations of DACOWITS during its 50th anniversary year.



Professor Nancy Wanderer

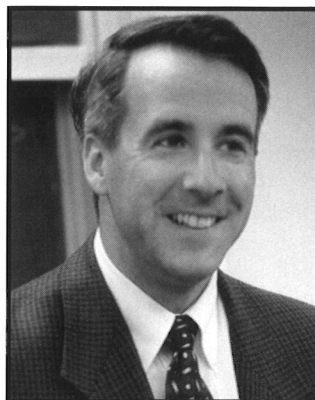
Professor Thomas M. Ward continues to pursue his interest in commercial law aspects of intellectual property law. In November, he made a presentation on "The Use of Intellectual Property as Collateral" as part of the Intellectual Property Summit Session at Comdex/Fall 2000 in Las Vegas. For the 7th consecutive summer, he has taught Commercial Law of Intellectual Property at Franklin Pierce Law Center in New Hampshire. Professor Ward also participated in a panel discussion on open-book and open-computer bar examinations at the annual meeting of the Conference of Bar Administrators in Portland this summer. Along with Professor Lois Lupica, he was one of 94 law professors who wrote Congress addressing faults in pending changes to current Bankruptcy Law. The new legislation was vetoed by President Clinton in December.

Professor Cabanne Howard has been retained by Maine's Attorney General's office to assist in the defense of the "Maine Prescription Drug Pricing Act." The Act's objective is to lower prescription drug prices for 325,000 Maine residents who do not have private insurance coverage. The law is being challenged as unconstitutional by the prescription drug industry on the grounds it interferes with interstate commerce and is preempted by Federal Medicaid laws. In October, U.S. District Court Judge D. Brock Hornby entered a preliminary order enjoining the Maine law. The State of Maine is appealing this order and a decision is expected this spring.

Professor Jennifer Wriggins' essay, "Parental Rights Termination Jurisprudence: Questioning the Framework" was published by the *South Carolina Law Review* in the Fall 2000 issue. The article analyzes the U.S. Supreme Court's 1996 decision in *M.L.B. v S.L.J.* that held that an indigent parent has the right to a free transcript to appeal parental rights termination decisions. The essay critiques assumptions in this and other Supreme Court decisions concerning child custody decisions, accuracy in adjudication, adoptions and children's involvement in family law.

Professor Wriggins recently received correspondence from Associate Judge Steffen W. Graae of the Superior Court of Washington, DC regarding an article she wrote on discovery issues in lead paint cases. In that article, she had analyzed and criticized a decision by Judge Graae at some length. Judge Graae complimented Professor Wriggins on the article, which appeared in the *Boston University Law Review* in 1997, and he stated that her article had caused him to change his mind and agree with her analysis. He sent to Professor Wriggins a copy of a recent decision that he wrote, in which he limited discovery in the way Professor Wriggins had proposed in her article.

Research Professor John Duff, Co-Director of the Maine Law Institute, published an article in the Maine Sunday Telegram's "Eye on Washington" series



Professor John Duff

urging the development of a comprehensive national policy on U.S. ocean issues. He also coordinated the Marine Law Institute's public forum, "Forging a

National Oceans Policy," featuring Congressman Tom Allen, co-chair of the House Oceans Caucus and Patten White, Pew Oceans Commission member.

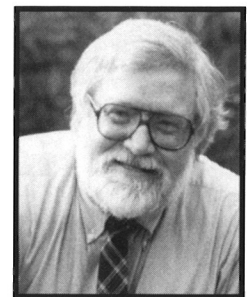
Professor Duff is also coordinating the Marine Law Institute's "Marine Research Connectivity" project, which is being funded in large part by the Maine Science and Technology Foundation. The project will increase the university's capacity to engage in collaborative research and education efforts with other marine research institutions in the state and throughout the country.

In December, Professor Duff was elected president-elect of The Coastal Society, an organization of private sector, academic, and government professionals and students engaged in efforts to promote the sound stewardship of coastal areas and resources.

After a two-year term as president-elect, he will become the organization's president. In January, Professor Duff made a presentation to the annual meeting of the American Association of Law Schools' Maritime Law Section on state efforts to regulate oil tanker vessels.

Dean Colleen Khoury was recognized by the Maine Bar Association as a co-recipient of the 2001 Maine State Bar Association's John W. Ballou Distinguished Service Award. The award recognized Dean Khoury for her contributions to the profession of law and public service in the state of Maine. She was cited for her work as Dean of the Law School and as Chair of the State's Commission on Gender, Justice and the Courts. Dean Khoury shared the award with retired Bangor attorney Lewis Vafiades. Mr. Vafiades, although not a graduate of the Law School, sits on the school's Board of Visitors and has been active in advancing the mission of the Law School. Past recipients of this award include Hon. William Cohen, Sen. George Mitchell, Dean Edward Godfrey and Hon. Frank M. Coffin.

An article by **Professor L. Scott Gould** will be published in this spring's edition of the *Columbia Law Review*. The article, "Mixing Bodies and Beliefs: The Predicament of Tribes," examines the role that race plays in defining tribes and deciding who is an Indian.



Professor Scott L. Gould

Professor Gould challenges the use of race as a central means of defining tribes and Indians and he concludes that cultural survival for many American Indian tribes may depend on eliminating race as the essential criterion for membership.

1970

Hon. Charles L. Cragin, Principal Deputy Assistant Secretary of Defense for Reserve Affairs, was honored with the United States Coast Guard's top civilian award: the Distinguished Public Service Award. The Reserve Officers Association of the United States also inducted him into the Minuteman Hall of Fame in June. Mr. Cragin is a Director of the Margaret Chase Smith Foundation.

Malcolm L. Lyons has been elected as a director of the Law Alumni Association and will begin a three-year term starting in January. Mr. Lyons is a partner at the Augusta office of Pierce Atwood.

1971

Robert F. Hanson of Norman, Hanson & DeTroy, Portland, recently spoke on the subject of physician accountability in the United States at an international symposium held at the Royal College of Physicians in London.

1973

Rest and relaxation are on the agenda for **William P. Hardy** of Portland who reports that he is enjoying his time vacationing in South Carolina where his wife is establishing her counseling practice. He also states that he is currently studying painting in his spare time. **Derry Rundlett** wrote, produced, and directed an entertainment event sponsored by the Maine Trial Lawyers Association entitled, *Murder in the Court - The Musical*. The production, which took place in October, also included alumnus Ken Altshuler '85 in the role of "Jerry Zinger." He also reports that his book, *Maximizing Damages in Small Personal Injury Cases*, passed the million-dollar mark in national sales for the James Publishing Company of California. **Terry N. Snow**, who practices law at his office in Cumberland, was

recently elected as a Director of the Law School Association. If you tuned into the Summer Olympics and watched the equestrian events, you may have noticed that one of the announcers was Maine Law graduate **Gary Thorne**. Gary can be seen on the ESPN network broadcasting baseball games and hockey matches.

1974

Gary J. Norton of Brewer reports a new addition to his family this year. His third granddaughter, Emma Jacqueline Norton, was born in November. **Jack Slane** is now practicing law in Greenwich, CT where he deals primarily with land use and construction litigation. In his personal life, he has been happily married to the former Stacey Miles of Manhattan, who teaches first grade in a local private school. Jack also has become a local soccer referee after many years of coaching his two teenage daughters.

1975

Kim Matthews was elected to the Portland School Board this fall.

1976

Andrew Brown is now associated with the National Rural Telecommunications Cooperative in Herndon, VA. The Maine Bar Foundation honored **Jon Holder** for his pro bono work with the Volunteer Lawyers Project. **Patricia McDonough Dunn**, a Director at Jensen, Baird, Gardner & Henry, has been elected President of the Board of Directors of St. Joseph's Manor, a long-term residential care facility located in Portland.

Alfred C. Frawley III has been named an arbitrator in Internet domain name disputes by eResolution. He recently served as an arbitrator for the domain names of automobileatlanta.com and sugoi.com. Mr. Frawley is a member of the Portland firm of Preti, Flaherty, Beliveau, Pachios & Haley, where he practices commercial and intellectual property law. **Paul R. Gosselin** has been elected



Alfred C. Frawley

President of the Board of Directors of the Lewiston (ME) Mill Redevelopment Corporation. The Corporation is responsible for the management and redevelopment of the one million square foot Bates Mill Complex. Mr. Gosselin practices law in Lewiston. **Jim Libby** has contributed a chapter to *Property and Values, Alternatives to Public and Private Ownership*, published by the Island Press. The chapter is entitled "Vermont Housing and Conservation Board: A Conspiracy of Goodwill Among Land Trusts and Housing Trusts". Mr. Libby is an attorney with the Vermont Housing and Conservation Board.

1978

Eileen M. L. Epstein, a Partner with McCandless, Epstein & O'Donovan in Portland, has been elected to a three year term to the Law Alumni Association's Board of Directors. **F. Mark Terison**, Senior Litigation Counsel with the Maine U.S. Attorney's Office, published an article in the October issue of the *Maine Bar Journal* titled "Macon Bolling Allen - A Milestone for Maine." The article covers the colorful career of Mr. Allen who was one of the first African-Americans admitted to the Maine Bar (in 1844). Mr. Terison was a member of the adjunct faculty at Maine Law during the fall semester where he taught Advanced Legal Writing.

1 9 7 9

William R. Dunn has joined the Stewart Title Co. of Bedford, NH and **Phillip J. Stiles** is now working for Title Pro in New Durham, NH.

1 9 8 0

Beth Dobson was awarded a Pro Bono Publico Award by the Maine Bar Foundation for pro bono case referrals for the Volunteer Lawyers Project. She has also been selected for induction into The Best Lawyers in America 2001-2002.



Members of the Class of 1980 held an informal reunion last fall in Portland. Twenty-five members of the class attended a Saturday night reception and Sunday picnic. Pictured here at Two Lights State Park (from left to right) are Anita St. Onge, Neale Duffett, Peter Mills and Barbara Mantegani.

Barbara Mantegani of Washington D.C., who was reported in the last newsletter as running a 10 kilometer race, actually ran in the Marine Marathon, 26.5 miles. When she visited Maine this fall she took back a Maine Law hat for this year's race. **Paul A. Weeks** and **Brett D. Baber '85** have announced the formation of a new law firm, Weeks & Baber, in Bangor, Maine. **Mary Gay Kennedy** has joined the Portland law firm of Germani & Riggle. Ms. Kennedy was formerly the Director of the Maine Court Appointed Special Advocate Program.

Alumni Elected To Leadership Positions in Maine Government

Three Maine Law alumni have been elected to prominent political positions in the State of Maine. **Michael V. Saxl '98**, has been elected Speaker of the Maine House; **G. Steven Rowe '87** is now Maine's Attorney General, **William J. Schneider '93** is the Assistant Minority Leader of the Maine House and **William S. Norbert '95** was chosen as Majority Whip for the Maine House of Representatives.

At 33, Representative Saxl is the youngest person ever to be chosen as Speaker of the House. He succeeds Steven Rowe in this position. Rep. Saxl is a 1989 graduate of Bowdoin College and was first elected to the House in 1995. Prior to holding elected office, he had worked in both Augusta and Washington, DC for the Democratic Congressional Campaign Committee, the Maine Medical Association and as Assistant to former Maine Senate Majority Leader Nancy Clark.

Mr. Saxl currently lives in Portland, Maine and has been active in a number of local youth and civic organizations. He has helped to draft recent legislation in the areas of stalking and domestic violence, affordable childcare, juvenile justice, tax relief and fisheries management.

Steven Rowe became Maine's 54th Attorney General when he was elected to the post by the State Legislature. His previous state government service includes four terms in the Maine House of Representatives, the last term as

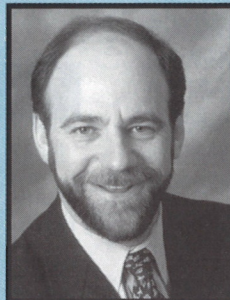
Speaker.

Last spring, Mr. Rowe was presented the L. Kinvin Wroth Distinguished Alumni Award during Law School commencement exercises. He has been an active member of the Maine Economic Growth Council and was a founder of the Northeast Legislative Association on Prescription Drug Prices. Mr. Rowe also has served as a board member of Pine Tree Legal Assistance, Inc.

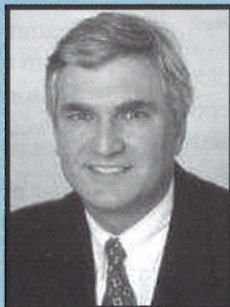
In addition to his law degree, Mr. Rowe holds a Master's Degree in Public Administration from the University of Utah. Mr. Rowe is a graduate of the U.S. Military Academy at West Point.

As Assistant Majority Leader for the Maine House of Representatives, William Norbert is the Majority Whip. Mr. Norbert, who graduated from Maine Law in 1995, is serving his second term in the House. He has a solo law practice and represents the North Deering and Riverton neighborhoods of Portland. He is a 1990 graduate of Brown University.

Mr. Schneider, who was elected Assistant Minority Leader of the House of Representatives, is serving his second term in the Maine Legislature. He represents Durham and portions of Brunswick and Lisbon, Maine. Mr. Schneider is a graduate of the U.S. Military Academy at West Point and has served as an Assistant District Attorney for Cumberland County.



Mike Saxl '98



Steven Rowe '87

1 9 8 1

Paul Driscoll has been elected to the Board of Trustee of the Cleaves Law Library in Portland. In November, he presented a daylong seminar in Portland for the National Business Institute, "How To Finance A Small Business." Mr. Driscoll is a partner at the Portland firm of Norman Hanson and DeTroy. **Philip M. Coffin, III** was recently presented

with the Civilian Recognition Award by the Maine Association of Police for his efforts on behalf of the town of Brunswick, Maine, two police officers and the chief of police, Mr. Coffin practices law at the Portland firm of Lambert Coffin Rudman & Hochman. **David A. Cloutier** recently joined the Maine Attorney General's Office in the city of Augusta.

1982

Susan Parcels has been elected as an officer of the Cleaves Law Library in Portland where she serves as Secretary. **Regina Nappi** has joined the legal department at BankNorth Group in Portland as a staff attorney. Prior to this position she had worked as corporate counsel for the Rosenthal Companies in Brunswick, Maine.



Regina Nappi

Ann M. Murray was recently confirmed as one of four new candidates for the newly created Maine District Court judgeships. Judge Murray was sworn in on November 10th. Governor Angus King said the new judgeships would "allow the court to better serve Maine people and help relieve the heavy caseload with the addition of these exceptionally qualified candidates."

1984

Anne H. Jordan is now a member of the Portland law firm of Norman, Hanson & DeTroy. She joined the firm in 1997 and focuses her practice on insurance liabilities matters, insurance fraud and fire law. **Pamela M. Bugosh** of Brunswick, Maine traveled to Northern Ireland recently with a team of eight people and worked with the community in a conservation effort to protect the peat bogs. **Karin R. Tilberg** of Bowdoinham is the new Maine Director of the Northern Forest Alliance. Prior to this appointment, she was a sole practitioner in Bowdoinham. **Jeffrey T. Angley** of Marshfield, Massachusetts is currently working for Phillips & Angley in Boston. His specializations include zoning and land use litigation as well as legal issues involving fisheries. **Laurie A. Gibson**, founder of the Lawyers Assistance Group, has been elected Chairman of the Maine Board of Bar Examiners. **Drew Swenson**, President of Olympia Equity Investors and the Erin Co., has been elected to the Greater Portland Big Brothers Big Sisters Board of Directors. **Gregg L. Bertonazzi** of Uxbridge, MA

has been practicing criminal defense work at his law offices in Oxford, MA. He reports that Lisa is working part-time now, as their son Nicholas is 4 1/2. **James Roux** has moved his law firm, Roux & Ghimire, which specializes in environmental and toxic materials litigation, from Connecticut to Portland.

1985

Faye Luppi was honored with its Maine Women's Law Association Leadership Award for her contributions to the legal profession and community on November 9, 2000 at the offices of Bernstein, Shur, Sawyer & Nelson. Ms. Luppi, who is a lecturer at Maine Law, is featured in an interview in this issue. **John C. Nivison II** was sworn in as a District Court Judge in Maine in November. Judge Nivison was nominated by Governor Angus King to one of four new judgeships. Governor King said the new judgeships would "allow the court to better serve Maine people and help relieve the heavy caseload with the addition of these exceptionally qualified candidates." This summer, the *Maine Bar Journal* published an article by **Brett D. Baber** entitled, "The Necessity for Expert Testimony to Sustain the Plaintiff's Burden of Proof in Negligence and Strict Liability Actions." He recently announced the formation of a new law firm, Weeks & Baber, with Paul Weeks '80 in Bangor, Maine.

1986

June D. Zellers has been named Executive Director of the Maine Board of Bar Examiners located in Augusta. **Rosalynne Bernstein** was elected as a new member to the Maine Educational Loan Authority.

1987

Natalie L. Burns has been named a partner as the Portland firm of Jensen Baird Gardner & Henry. Ms. Burns practices municipal and land use law.

1988

Patricia A. Peard was recognized as a guest of honor by the President and Board of Trustees of the University of New England at their 2000 Convocation Ceremony and Deborah Morton Awards Presentation at the Westbrook College Campus in September. **Alice E. Knapp**, who was the first Director of the Consumer Health Division of the Maine Bureau of Insurance, is now an associate with the law firm of Duane, Morris & Heckscher. She will focus her practice on healthcare law out of their Bangor office. **Donna M. Ryan** has been named a principal at Baker Newman & Noyes of Portland. Ms. Ryan, who specializes in personal financial planning, has been active with the Law Alumni Association and is currently Chair of the Board's Special Events Committee.

1990



Wendy Paradis '90

Wendy J. Paradis has joined the law firm of Bernstein, Shur, Sawyer & Nelson where she will be practicing in the areas of commercial litigation, foreclosures, and bankruptcy in Portland. **Dennis M. Doiron** is now the Director of the Division of Income/Estate Taxation

for Maine Revenue Services. Mr. Doiron served in the Maine Attorney General's office for the last six years. **Sally Erickson** of Silver Spring, MD and her husband, Michael Bass, are proud to announce the birth of their second son, William Galvin Bass, who was born this September.

1991

Robert C. Brooks, who practices law at Verrill & Dana in Portland, recently spoke on the topic of "Legal Issues with Monitoring Employee Telephone Calls and Computer Usage" at a program for the Maine Call Center Association. **Russ Pierce**, an attorney with Norman Hanson and DeTroy in Portland, has been elected as Secretary of the Board of Directors of the Center for Community Dental Health. The organization serves low-income families in western and southern Maine.

Donald S. Hornblower has announced the opening of his new law firm, Hornblower & Lynch in Lewiston. Verrill & Dana announced that **Daniel F. Driscoll** has joined the firm, Of Counsel, and is working out of their Kennebunk, Maine office. **Matthew E. Campbell** has been appointed Senior Vice President and Senior Underwriter for Stewart Title of Northern New England, Inc. in its Portland offices. He lives in Portland with his wife Cathy and his three children, Sam, Emma and Adam.



Matthew E. Campbell '91

1992

David L. Herzer, Jr. has been elected a member of the Portland law firm of Norman Hanson & DeTroy. He joined the firm in 1992 after graduation from Maine Law and specializes in insurance defense litigation, particularly defense matters, personal injury and other civil matters. He also was recently elected President of the Northern New England Defense Council Association, which is

comprised of defense attorneys from Maine, New Hampshire and Vermont. **Adrian Kendall**, who practices commercial law at Norman Hanson & DeTroy, was a presenter, last fall, to the Manufactured Housing Association on warranty law and other liability issues. **Jonathan Block**, a partner with Pierce Atwood in Portland, has earned an LL.M. in taxation from Boston University School of Law. **Patricia Donahue Miller** of South Portland is currently working as a pharmaceutical sales representative for Bristol Myers-Squibb Co. She is married to Mark Miller, a well-known Maine blues guitarist. She can be heard singing background vocals on his latest CD. **Krisna M. Basu** of Marblehead, MA reports that she recently started a new job at the law firm of Goddard, Seuteri & Delaney in Salem, Mass. **Jessica Maurer**, Assistant Attorney General in the Maine Department of Human Services, was featured on the cover of the Portland Press Herald for accepting into her home a 16 year old who had been living on the streets. Ms. Maurer works on

child support enforcement issues. **Joe Sudbay**, Political Director of Handgun Control, Washington, DC, was quoted in an article in the New York Times in September titled, "To Help Bush, NRA Withholds Backing." The article was in response to the NRA's support of candidate George W. Bush and their decision to stop endorsing him through the election. Handgun Control was established by

Jim and Sarah Brady. **Tom Bradley** has joined the Maine Citizen Leadership Fund located in Portland. The organization recently took intervener's status in Maine Prescription Drug legislation and legal case. Mr. Bradley was also recently elected President of the Cleaves Law Library in Portland.

1993

Amy K. Tchao has been named a shareholder in the Portland law firm of Drummond Woodsum & MacMahon. She advises clients on school, municipal and employment law and specializes in special education law and issues involving disability rights. **Jonathan R. Doolittle** is now a partner at the Portland law firm of Verrill & Dana where he is a member of the firm's bankruptcy and commercial law group. **Tom Marjerison** and his wife Kirsten celebrated the birth of their first child, Samuel Thomas, in November. Mr. Marjerison is an attorney at Norman Hanson and DeTroy in Portland. **Michael A. Hodgins** of Pittsfield has joined the law firm of Bernstein, Shur, Sawyer & Nelson where he will practice in the areas of general and municipal litigation in the firm's Augusta office. He also serves as director of Your Choice, Inc., a residential treatment facility for adolescents in Hallowell, and as vice president of the Board of Trustees of Maine Central Institute in Pittsfield. **Walt McKee** and Kristin Aiello '94 are pleased to pass along news of the birth of their second daughter, Katherine "Kate" Aiello McKee on June 21, 2000. **Glenn K. Powell** is now an associate with the Kennebunk firm of Bergen & Parkinson, where he is a member of the firm's business and real estate group. **Stephen Higgins** and his wife Lauren are pleased to announce the birth of their son, James David Higgins, last November.

1994

Lynn B. Gelinis joined the Legal Department at BankNorth Group, Inc., in Portland. As a staff attorney, she will provide advice and counsel to the corporation on a variety of legal issues, and will act as liaison with outside counsel. Ms. Gelinis had served as Deputy Director in the Appellate Division of Maine Revenue Services. **David S. Bischoff** reports that he has joined the litigation department at Pierce



Lynn B. Gelinis '94

Atwood, Augusta, as an associate attorney.

David was the first recipient of the Frank M. Coffin Fellowship and litigated cases for low-income Maine resident through Pine Tree Legal Assistance. **Kristin Aiello** gave birth to her second daughter, Katherine "Kate" Aiello McKee, in June. She is married to Walt McKee '93. **Kurt E. Klebe** of Verrill & Dana was a featured speaker at a seminar in South Portland on December 7, 2000 entitled "Tax-Exempt Organizations in Maine." This fall Mr. Klebe provided extensive pro bono services to the Maine Law Alumni Association and the Law School in organizing and incorporating a tax-exempt foundation for the benefit of the Law School. **Bruce Hepler** and his wife, Christine '96, report they are living in Huntington Beach, CA and announced the birth of their second child, Joseph Christian, in September.

1995

Patricia Sinicropi was married on August 5, 2000 to Joseph Romm at a ceremony in Georgetown, Maine. Dean Khoury officiated at the ceremony. **Matthew J. O'Brien** has joined the Manhattan (NY) law firm of Wilens & Baker, P.C. He will supervise the firm's Non-immigrant Visa Division. Matthew is a former U.S. Immigration & Naturalization Service District Adjudications Officer. Before joining Wilens & Baker, Matthew was employed as the Associate Director of International Advising & Immigration Counsel at Suffolk University, Boston, MA. He would love to hear from any Maine Law graduates who are involved in the practice of Immigration & Nationality/Consular law. He may be reached at matty_law_2000@yahoo.com. **Marsha (Osgood) Connors** wed Joseph Connors (1997 Maine visiting law student) in September in Stonington, Maine. Marsha became a member of the Florida Bar in September 2000 and received a promotion to Assistant Vice President and Senior Trust Officer for Firststar Bank, N.A. in Naples, Florida. Joseph is a Financial Consultant for Merrill Lynch in Naples. **John P. Gause**, who practices law at Berman & Simmons, taught fall classes in tort law and employment law

through Lewiston Adult Education, in conjunction with the Maine Trial Lawyers Association. **Margaret Sova McCabe** writes that after working five years for the State of New Hampshire, she will be joining the firm of Fitzgerald and Sessler in Laconia, NH. She looks forward to developing a family law practice. She also announced the birth of her son, Thomas Joseph McCabe III, in September. **Michael F. Phillips** has opened a law office, Phillips and Bernier, LLC, in Waterville, Maine.

1996

Lynne Gardner and **Rob Laskey** announced the birth of their son, Eamon Nigel Gardner Laskey, December 27. Lynne is currently Special Assistant to the Speaker of the Maine House of Representatives. Rob is Staff Attorney for the State of Maine Securities Division. **Hope Creal** shares that she is married and is now Hope Creal Jacobsen. She practices law in Portland at Verrill & Dana. **Jason Tiballi** reports that he is now working as the Underwriting & Claims Counsel for First American Title Insurance Company in Burlington, Vermont. **Christine Iaconeta Hepler** earned her Master's in Library and Information Science in August and is currently working for Lexis-Nexis as a Training Consultant. She trains law students at four Southern California law schools, including University of Southern California, Whittier Law School, Chapman University School of Law, and Western State University School of Law. Christine and her husband Bruce Hepler '94 are the proud parents of their second child, Joseph Christian, born in September. **Jonathan Goldin** is now living in Manhattan and works as Associate General Counsel for the Ambrose Employer Group, a company that provides human resource services for technology companies. **Linda S. Lockhart** has joined the Augusta, Maine office of Preti, Flaherty, Beliveau, Pachios & Haley as an associate attorney with their energy and telecommunications practice group. **Scott E. Herrick** is now associated with the Portland law firm of Drummond & Drummond. He was formerly an attorney with Fidelity Title Company.

1997

Douglas Britton has been elected to the Board of Trustees of the Cleaves Law Library in Portland. **Robert C. LeBrasseur** has opened a new law office in downtown Portland. **Nelsen R. Wahlstrom** is excited about his new position as Tribal Counsel for the Oneida Tribe of Indians. He will be dealing with labor and litigation issues for their legal department in the Green Bay, WI area. **Aaron T. Morel** is currently conducting pharmaceutical market research for Migliana/Caplan Associates of Baltimore, Maryland. **Lorrie E. Whittaker** is working with Liberty Mutual on the New Hampshire seacoast where she will be testing software. **Humphrey H. N. Johnson** is now an associate with Lowry and Associates in Portland. He recently completed a tour of duty in the U.S. Army J.A.G. Corps. **Kimberly Houghton Berry** of Washington D.C. announced her marriage to John Berry on September 3, 2000. She recently accepted a position with the National Wildlife Federation in Vienna, VA. **Jerome J. Gamache** is now an associate with the law firm of Ainsworth & Thelin of South Portland. Mr. Gamache practices in the areas of civil litigation, employment law and estate planning. **Bryan Granger** is now working with the law firm of Paul, Frank & Collins in Burlington, VT. He reports that his wife, **Mary Trottier**, is now working as legal counsel for Vermont's Agency of Natural Resources.

1998

Aaron Baltes, who is with the Portland firm of Norman Hanson & DeTroy, and his wife Kathy welcomed their firstborn, Eleanor Bea Baltes, into their family last fall. **Stephen E. Johnson** of Leicester, MA is now working at Charles Schwab in Worcester. Last spring **Vanessa A. Bartlett** of Brunswick opened a part-time, solo law practice. **Julie A. Mallett** of Orrington has joined Legal Services for the Elderly as a managing attorney in their Bangor office. **Bradford S. Macdonald** of East Holden opened his own law practice in the Bangor area. **Philip L. Curcio** has been named General Counsel at Long Island Sound Keeper Fund in Norwalk,

Connecticut. **Brian O'Donnell** is now an associate with the law firm of Pierce Atwood in Portland. Mr. O'Donnell, who served as a law clerk to Judge Kermit V. Lipez of the U.S. First Circuit Court of Appeals and to Justice Susan Calkins of the Maine Judicial Court, will practice in the firm's corporate department. **Tracy DeVoll** of Waterville, Maine is happy to report that a new foster child, Amanda, has joined her family. **Carolyn A. Adams**, who is practicing law in Bangor, Maine, was married this fall to Robert Dow. The Portland law firm of Perkins, Olson and Pratt has hired **Patrick J. Mellor**. He will specialize in maritime and business law. **John Pentecost** reports that he has started an environmental and computer consulting business in Portland called Scintilla Consulting. **Steven A. Parker** is practicing law at Sproul Legal Services in Augusta. **Samantha L. Standish** is living in the Silicon Valley region of California where she is Corporate Counsel at a software development firm called Integral Development Corporation. **Rebekah J. Smith** has been elected to a three-year term on the Maine Law Alumni Association Board of Directors. Ms. Smith is a Skadden Fellow working as a staff attorney for the pro bono "Litigation Network" in Central Maine. **Stephen C. Smith** married Milva in October. He reports that he opened his own law practice in the Bangor area on August 1, 2000.

1999

Ronald Austin has accepted a position with Silicon Valley Law Group in San Jose. The firm's focus is on start-up technology firms and small public companies. **Eben Adams** is now an associate at Pierce Atwood in Portland. Mr. Adams, who was most recently a law clerk to U.S. District Court Judge Gene Carter, will practice in the firm's taxation department. **Timothy H. Boulette** has completed an assignment as a law clerk with the Maine Supreme Judicial Court and is now an Associate with Murray, Plumb and Murray in Portland. **Jeffrey B. Herbert** is now an associate with the firm of Brann & Isaacson in Lewiston, Maine. **John R. Veilleux** has become an associate with the law firm of Norman,

Hanson & DeTroy in Portland. **Robert L. Abbott, Jr.** is now practicing family, criminal and civil litigation with L'Hommedieu Law Offices in Lewiston, Maine.

2000

Michael Vaillancourt recently began practicing commercial litigation at the law offices of Susan Szwed in Portland. **Karen Douglass** has joined the law firm of Bernstein, Shur, Sawyer, & Nelson in the Portland office. Ms. Douglass works in the firm's Commercial Department and will practice in the areas of general business, business transactions, and health law. **Andrea Winslow** is currently employed as a patent attorney with Procter & Gamble at their Health Care Research Center in Mason, Ohio.

CD Antitrust Action Involves Maine Law Alumni

According to a report in the *Portland Press Herald*, several attorneys with close ties to Maine Law, either alumnus or members of the school's Board of Visitors, will be active participants in an anti-trust lawsuit involving price-fixing of compact discs, CDs. The legal action brought by the Attorneys General in 42 states and numerous consumers is drawing national attention to Portland, Maine.

U.S. District Judge D. Brock Hornby, is presiding over pre-trial issues and this stage alone is expected to last up to a year.

Steven Rowe '87, Maine's Attorney General, is serving as liaison counsel and providing administrative support to the Attorneys General from New York and Florida who are the lead counsels in this anti-trust action. Among the attorneys representing the states and plaintiffs are Fred Frawley '76, and Peter Rubin who is a member of the School's Board of Visitors. William Kayatta, also a member of the Board of Visitors, is representing the CD distributors.

The case involves major CD distributors such as Universal Music, Capitol Records, Sony Music, Warner Music and BMG Music. The plaintiffs allege companies that distribute CDs entered into an agreement with major retailers in order to eliminate discounted CD sales. The Federal Trade Commission concluded that the music industry had engaged in unlawful restraint of trade and in May, 2000 entered into a consent agreement with the nation's five largest CD distributors. Later that summer, Attorneys General from 42 states, including Maine, joined in a lawsuit against the five distributors and three large retailers.

In October, a three judge panel assigned all compact disc antitrust litigation to Judge Hornby in the U.S. District Court in Portland.

FOCUS ON ALUMS

Faye Luppi

"Eclectic" and "not always traditional" are some of the terms Faye Luppi uses to describe her career path. But the theme that ties it all together, she says, is building safe communities for children and families. Recently, the Women's Law Association honored her with its Maine Women's Leadership Award for her work with women and families within the state.

Faye teaches Juvenile Law at Maine Law, is project director of the Cumberland County Domestic Violence Coordinated Community Response Program, and directs the Maine State Bar Association's Women's Law Breast Cancer Project. She is also deeply involved in community efforts and a self-described "soccer mom" who sets aside Thursdays to devote to her two sons' education and activities.

At the Domestic Violence Coordinated Community Response Program, she manages the grant and works with law enforcement, the DA's office, probation officers, and jail staff to keep victims safe, hold offenders accountable, and decrease the incidence of domestic violence by building community awareness. The program trains police officers to deal more effectively in investigating and reporting domestic violence calls. It is also involved in compassionately helping domestic violence victims with their court proceedings.

Under Faye's leadership, the Maine State Bar Association's Women's Law Breast Cancer Project has obtained a grant to bring breast cancer information and screening to women in prisons. It is also publishing a brochure on legal issues for women with breast cancer and their families.

Her community involvement includes the presidency of the Poland Education Foundation, in which she helped develop the curriculum and hire the administration of the new Poland High School. She also chaired the town's Library Board, and wrote a grant for Jobs for Maine's Graduates to use AmeriCorps volunteers to teach Internet skills at schools and libraries.

Faye's "eclectic" law career began right after law school with a clerkship for Maine Supreme Court justices Glassman and Scolnik. She then worked at the Cumberland County DA's office prosecuting juveniles. After several years, she went into private practice at the firm of Berman & Simmons in Lewiston. Next, she spent two years doing legal research and consulting, followed by three years at the State Planning Office, working on public policy issues involving children and families.

Q: How did you first get interested in the issue of domestic violence?

A: After college, I spent several months backpacking around Europe. I ended up working in a cucumber processing factory on Crete. The majority of the people working there were Gypsies. I saw a lot of domestic violence there. I wasn't able to do anything effective about it, in part because of the language barrier, but I did manage to improve working conditions at the factory.

Q: What part of your Law School experience had the greatest impact on you?

A: At Law School, I had the opportunity to work as an intern in the DA's office. The most difficult cases I had to handle were the domestic assaults. This was back in '84, when not very many people understood the dynamics of domestic violence and why it is so difficult and dangerous for women to testify. That is where I learned what a horrible, far-reaching impact domestic violence can have on children and families.

Q: What does receiving the Maine Women's Leadership Award mean to you?

A: It means a great deal to me to be honored by both my peers and my students. Because my career has not always been traditional, it was particularly meaningful to receive this award for some of the work I've done.

Q: What about your career is not traditional?

A: I was the Law Court's first pregnant law clerk. My first son was born just after my clerkship ended. Most of the positions I've had have been part-time. My position at the DA's office was a job-share. My position at Berman & Simmons was part-time. After my second son was born, I did legal research and consulting. Some of my work at the State Planning Office involved telecommuting. My current position is part-time.

It's very important to me to be able to participate in my sons' education, go on their field trips, work in their classrooms, and attend their athletic events.

I don't always get the balance right among family, profession, and community. But I know that it's important to build community, whether professionally, locally, or in the schools. I've learned that one of the greatest protective factors for kids is for them to be part of a community somewhere – whether at school, or church, or in the town – and to have caring adults in their lives.

I wouldn't have been able to do all the things I've done without a really supportive husband.



Faye Luppi '85

Q: What else has helped you?

A: The Women's Law section of the Maine Bar Association provides a community for women attorneys who may be practicing in a wide variety of types of practice. It's been very important to me, particularly when I've been working in public policy or as a consultant, to reconnect with my peers and have the sense of a supportive community. It has also provided mentors – who are not always found in the workplace – and the opportunity to be a mentor to others.

Q: Any further thoughts?

A: One of the important things for me is to try and balance family, profession, and giving back to the community. That's one of the ways I define success. When I first graduated from law school, the Women's Law section of the bar had a program called "Cross-Dress Or Die." It was all about how we defined success. My definition was different from others. That's why it's so great to get the Maine Women's Leadership Award for the work I do.

Justice Calkins...the Case That Never Happened

"The case I remember best from my time with the Cumberland Legal Aid Clinic was more of a potential case than an actual case because I was fired before I had the opportunity to do anything meaningful for the client. ...

I was a third year law student working with the Clinic in the spring of 1970, the first year of the Clinic. The late sixties and early seventies were turbulent years: the war in Viet Nam was raging; students were protesting the war; across the country there were sit-ins and demonstrations. ...No one under the age of 30 trusted anyone over 30.

That spring, the Clinic had a storefront office on Exchange Street. Cushman Anthony was the director. A young man, with long hair, came to the clinic for representation in a criminal matter. He was nineteen years old and an art student. He had painted his car with red and white stripes; the hood was blue with white stars. The county attorney, Robert Coffin, had charged the young artist with defiling the American flag. That charge was later dismissed and a new charge of publicly casting contempt upon the United States flag was filed. The painter's father had retained an attorney

for him, but he wanted his own attorney. When the young man came into the Clinic, his case was assigned to me.

I could hardly wait to mount a challenge to the statute as an unconstitutional infringement on First Amendment rights. But before I had a chance to do much more than find the statute, I was fired. The young man's father did not have sufficient faith in the abilities of a third year law student and convinced his son to allow a "real" attorney to represent him. That attorney subsequently filed a motion to suppress the seizure of the car, and the case was transferred to the Superior Court. I later learned that the charge against the young man was dismissed. The young man went on to have a successful career in the entertainment world and became a local celebrity."

Susan Calkins '70 has been an Associate Justice on the Maine Supreme Judicial Court since 1998. She worked at Pine Tree Legal Assistance from 1970 until 1980 and her appointment to the Maine Bench.

(Legal Aid Clinic, continued from Page Four)

In fact, although the rolltop desk, the upright piano, and some of the colorful Old Port characters are gone, the Clinic operates much as it has for the past 30 years.

One difference is that students may now choose to specialize in family practice law or criminal law as well as general practice. Another is a result of the clinic's longevity. With more than 1,100 student attorneys having served in the Clinic, there are a large number of former clinicians in Maine's legal community.

"Often when we're in court, the other attorneys are often former clinicians, and sometimes the judges are too," says Professor Gould. "The camaraderie gives students confidence, and that helps considerably in their learning curves."

"Certain cases are uniquely appropriate for the Clinic to handle," noted Professor Jennifer Wriggins. She cited an example of the woman living on a Casco Bay island who, while living on \$300 per month, is trying to collect at least \$60,000 in alimony from an ex-husband living in Florida.

"It would be tough for a private practice lawyer to take this case, pro bono, because it is extremely time consuming. Student attorneys have researched the Florida law, which is favorable to debtors, and Maine law, and have gotten hands-on insight into some of the thorny interstate enforcement problems of our federal system," she said. The case is still pending.

"The reputation of the Clinic is pretty solid throughout the legal community," confirms Heather Seasonwein. "Other lawyers are really helpful and understand-

ing and patient. It's cool that the legal community is supportive of us as student attorneys."

Having worked in the Clinic, she adds, has made a difference in her approach to her law school classes.

"Doing hands-on stuff over the summer really helped this semester in law school. When you read about cases, you know how they got into court. You've witnessed the process, so when you read about it, you can apply some of the skills you learned in the Clinic."

Serving in the Clinic, she says, "really reaffirmed my decision to go to law school. It was a great experience. I can't wait to get out there and practice."

Annual Road Race

One hundred and five runners and walkers, the most ever, competed in the 22nd Law School Road Race held in late October. The overall winner of the race was Bruce Nicholson '92 who completed the four-mile course around Portland's Back Bay in 22 minutes and 24 seconds. Andrew Black '94 finished only two seconds behind Bruce. The first woman to cross the line was first-year law student Sarah Marble in the time of 25 minutes and 42 seconds. Sarah was only 14 seconds off the best time ever for a female runner.

For the 22nd year, Professor Orlando Delogu started the race, and as usual there were a few curious runners and assorted animals. For example, second year student and current SBA President,

A.J. Hungerford, ran the four-mile course backwards and blindfolded to raise funds for a new refrigerator in the student lounge.

The proceeds from the Road Race are used to support scholarships. Special thanks to students, staff and alumni who helped organize the race. They included Michael Bosse '96, Gerry Conley '79, Heather Dilios, Matthew Govan '02, J.P. Mann '94, Kevan Rinehart '01, Mark Terison '78 and Amanda Wood '01.



Sarah Marble '03



Bruce Nicholson '92

2000 Annual Fund Raises Record Amount

Martha Howell '74, current President of the Alumni Association and most recent Chair of the Annual Fund, announced that the 2000 Annual Fund raised more than \$215,000 with over 1,050 gifts. "We set two ambitious goals last year," she said. "The first was to raise at least \$215,000 and the second was to grow the number of donors to 1,050."

Ms. Howell explained that for the last several years, the number of donors has

hovered around the 950 level. "The goal of 1,050 donors was clearly ambitious and I am pleased that so many people responded with gifts to the Law School, she said. "The heroes responsible for this success were the class agents who took the time to contact their class members and speak to them about the importance of the campaign."

Ms. Howell is employed by Citizens Bank in Boston and lives in York County,

Maine. Ryan Stinneford '88, an attorney with Pierce Atwood in Portland, is the Chairman for the 2001 campaign.

Gifts from the Annual Fund support scholarships, public interest fellowships and many programs that enrich the educational experiences at Maine Law. A full report on the 2000 Annual Fund will be published in the Spring/Summer edition of Maine Law.

Class Leaders

Achievement

Best Participation (Classes Prior to 1980)
Best Participation (Classes After 1980)

Most Raised
Most Per Capita
Largest Increase (Gifts)

Largest Increase (Participation)

Class

1964
1984

1973
1970
1988

1999

Results

100%
50%
\$24,019
\$347
\$4,977 to \$9,610
250% Increase

Class Agent

Henry Berry, III
Thomas Powers /
Michael Sheehan

Barry Zimmerman
Louis Butterfield/
Alice Clifford
Constance Barrett/
Joceline Champagne

JOSEPH A. ALDRED, JR. '58

Joseph "Paddy" Aldred, Jr., a resident of Brunswick, died this January in Naples, Florida after a short illness. After graduating from the Portland University School of Law in 1958, he joined his father's law firm in Brunswick where he practiced real estate and probate law for over 40 years. He was also co-founder of Maine Title Company and a principal of the Merrymeeting Title Company.

Mr. Aldred was extremely active in the Brunswick area where he served as a Director of Northeast Bank and Wright-Pierce Engineers. He also was instrumental in the establishment of the McKenny-Booker Trust, which supports Brunswick area students.

A memorial service will be held in the Brunswick area later this spring.

EDWARD I. BERNSTEIN '51

Edward Bernstein, who has served as a city counselor and Mayor of Portland, passed away this summer at the Barron Center, a city-run facility that he helped to build. He graduated from Deering High School in Portland in 1942 and served as a decorated infantryman in both the Philippines and Europe during World War II. He graduated from the Portland University School of Law, Maine Law's predecessor, in 1951. For over 30 years Mr. Bernstein served the people of Portland on the Portland School Board and the City Council. He was the Cumberland County Clerk of Courts for eight years and was Postmaster in Portland from 1960 to 1962.

PAUL A. DEVINE '74

Paul Devine, who had a lengthy career in public service, died in September in Owls Head, Maine. Before attending Maine Law, Mr. Devine served as City Manager of Yarmouth and Orono, Maine. After graduation, he became City Manager of Rockland where he settled and eventually purchased the Navigator Motor Inn. When he learned of Mr. Devine's death, Professor David Gregory wrote, "He never did practice law, but he certainly exemplifies what our graduates can accomplish outside traditional practice. He became a community leader and a businessman of note. Coming from Rockland myself, I know that he was a highly respected member of the community."

SYLVIA DENA GREENBERG

The University of Maine School of Law lost a good friend when Sylvia Greenberg died unexpectedly at her home in Portland in December. She was 86. In 1996, Mrs. Greenberg established the Morris and Sylvia Greenberg Scholarship Fund in memory of her late husband Morris. He had practiced law for 55 years in Portland until his death in 1991. Godfrey Professor Donald Zillman, who was Dean of the Law School when Mrs. Greenberg established the Fund, noted, "She took great joy in getting to know and interact with the Law School community. She especially enjoyed meeting the students and sharing the example that she and Morris had set." The Greenberg Scholarship fund is one of the school's largest scholarship funds and provides financial assistance to at least five students each year.

STEPHEN D. JACKSON '73

Stephen Jackson, a 1973 graduate of the Law School, died in Fairfax, VA after a long illness. After graduating from Maine Law, Mr. Jackson accepted a civilian position with the Coast Guard and remained with that agency for his professional career. For the last 22 years he worked on legislative issues related to the Coast Guard's mission. He helped draft legislation in response to the Exxon Valdez oil spill and the executive order implementing the Oil Pollution Act of 1990. Most recently, he wrote legislation, enacted this year, to restrict pollution discharge from cruise vessels operating in the Alaskan waters. His family will celebrate his life with a service and burial on Bailey Island, near Brunswick, Maine, this summer.

ADRIAN "ANDY" McCARRON '70

Andy McCarron died this summer at his home on Great Diamond Island in Casco Bay. Mr. McCarron, a native of Lewiston, Maine, was owner of the Old Port Title Company in Portland. Prior to that he practiced law in North Conway, NH. He also served four years in the Coast Guard.

HON. EDWARD W. ROGERS '58

Retired Justice Edward Rogers died last March at his Westbrook residence. He practiced law until 1977 when he became an administrative court judge. In 1979 he became a District Court Judge and in 1983 a Superior Court Justice. In 1995 the Maine State Bar Association honored him with their Family Law Section Award for his "outstanding contribution to the promotion of the family in the state of Maine."

PAUL L. WEEKS '76

Paul Lincoln Weeks who lived in Scarborough, Maine died this summer. He had been sick with Huntington's Disease for many years. Mr. Weeks was a Supervisory Attorney with the Social Security Administration Office of Hearings and Appeals. Despite his illness he traveled widely, and he enjoyed opera and classical music.

RICHARD S. WOLFE '64

A good friend of the Maine School of Law died February 3rd in Florida. Richard Wolfe never practiced law but became a leading member of the Portland business community. He was owner of Yankee Ford and Maine Mall Motors and had other real estate holdings in the greater Portland area. Mr. Wolfe was one of the leaders of the Edward S. Godfrey Fund Campaign, both as a generous donor and volunteer, and he helped that campaign raise \$1,000,000 for the Law School. He also served on the School's Board of Visitors until 1998.

After his "retirement" in the late 1980's, he joined the International Executive Service Corp and took assignments in Egypt and Indonesia. Later, he became actively involved with American University in Bulgaria.

John Bride, also a member of the class of 1964 and long-time friend of Mr. Wolfe said, "He, in many ways, was the type of person, in his demeanor and intelligence and in the way he could reduce problems or issues to the core, that I envied. What a gift he had of articulating his thoughts and ideas. I know of no one that was as good as he was. I will miss him, but will remember him taking off his glasses and explaining a point that we all struggled with, in such a manner, that his clarity and words together made him shine above all the rest. I would often wait to hear him first and listen intently to his verbiage. Just magnificent."

FROM THE PRESIDENT

Maine Law, the Newsletter of the School of Law Alumni Association, is published three times a year. Issues are scheduled for publication in winter, early summer, and fall. Please send items of interest to the Law School community to John Gundersdorf, Executive Director of the Alumni Association.

We would like to extend our appreciation to the many people who contributed to this issue of *Maine Law*.

- Sheila B. Johnson of Walnut Hill Design in Portland, our graphic artist
- Mary McCormack, Ruth Miner and many others, who edited and proof-read copy
- Lisa Derman, who wrote several of the articles on the Cumberland Legal Aid Clinic
- Wendy Starkey, a first year law student, who often roams the School with her cameras and contributed a number of photos in this issue

Thank you all!

To Maine Law Alumni and our Readers:

As you may have already noticed, we have made many changes both in the content and style of the alumni newsletter. Our goal is to add more content related articles and improve the quality of each issue. We would appreciate hearing from you about these changes. Is the newsletter more interesting and readable? Are we covering topics of interest to you? What suggestions do you have? Please write or e-mail us.

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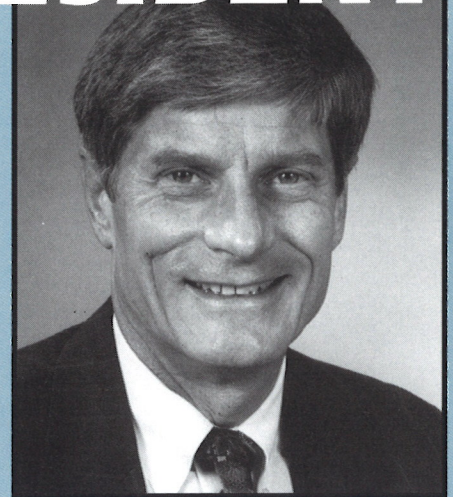
The Directors of the Association are proud of our accomplishments in 2000. We started the year by adopting significant goals, and with help from many members of the Alumni Association, we achieved a great deal. Major accomplishments include:

Fundraising: The Board adopted an aggressive goal of \$215,0000 with at least 1,050 donors and succeeded in raising our goal for scholarships and other law school support. The number of donors grew 11% to 1,055. During 2000, the Board has been working with the Dean Colleen Khoury and the faculty to integrate the planning for future annual campaigns with a major capital campaign. We supported the creation of an independent charitable foundation for the Law School, which was formally incorporated in December.

Increase contacts between alumni and faculty: We welcomed Professor David Gregory '68 as the first faculty liaison to the Board. And, like the rest of the Law School community, we are saddened by his untimely death. As both an alumnus and senior member of the faculty, David helped strengthen the bridges between alumni and the faculty. New ideas for activities were acted upon, and the Annual Alumni Dinner was a sell-out.

Increase contacts between alumni and students: The Board also added a liaison from the student body. This increased the students' awareness of the work and accomplishments of the Alumni Association, and hopefully will result in accelerating the support of the Association by new alumni in the future. Student representation on the alumni boards also helped the Directors appreciate the needs of the current students. New opportunities have been organized for the Alumni to become involved in mentoring students, student recruitment, and student supported activities.

Improve alumni communications: The format of the alumni newsletter was changed. In the future, the newsletter will not only cover alumni activities, but also will offer content



Peter C. McKenney '77

related articles about the Law School and issues important to the alumni.

Enhance board experience: The Directors added focus topics at most meetings to explore particular issues more deeply, and to provide the Dean with their thoughts about policy issues. Attendance at Board meetings increased this year compared to prior years.

As the Year 2000 ended, however, the terms of six directors also ended. Thanks go to Duncan McEachern '68, Kathy Vezina '90, Paula Silsby '76, Glen Porter '78, Jim Bowie '77, and Diane Dusini '87 for their years of service to the Alumni Association. The Board also wishes to thank Kurt Klebe '94 for his significant contribution of time and advice in helping establish the Maine Law Foundation. New directors will be Terry Snow '73, Tim Norton '88, Thomasine Burke '90, Eileen Epstein '78, Malcolm Lyons '70, Victoria Powers '89, Ronald Schneider '96, Rebekah Smith '98, and Kenneth Snitger '71.

I have appreciated the support of the Directors and other alumni this year as we took on many challenges. I look forward to working with next year's president, Martha Howell '74, and our new Vice President, Ryan Stinneford '88. The positive momentum is building so that we can continue to achieve our vision of the Association as "vital to our constituents".

Peter C. McKenney '77

2000 Alumni Association President

UNIVERSITY OF MAINE SCHOOL OF LAW

Maine Law Past, Present & Future

Maine Law has made tremendous strides since its humble beginning only 40 years ago. Yet, what we value remains constant.

- An Outstanding Legal Education
- Our Distinguished Alumni
- Important Legal Scholarship
- Service to the People of Maine



You can help insure that this tradition of excellence continues, by including Maine Law in your estate plan. You can remember the Law School in your will. Or, you can create an immediate legacy with a planned gift.

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